
Case Number	23/03892/FUL (Formerly PP-12650467)
Application Type	Full Planning Application
Proposal	Erection of a sports facility including café/community space building, replacement tennis courts, replacement MUGA, new mini-golf, Padel court facilities and outdoor activity space, and other associated works
Location	Tennis Courts At Hillsborough Park Middlewood Road Sheffield S6 4HD
Date Received	07/12/2023
Team	North
Applicant/Agent	Courtside Hubs CIC
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.

Site Location Plan - Drawing No: 1553-08 Rev No: B published 20.03.2024
Proposed Site Plan - Drawing No: 1553-02 Rev No: X published 20.03.2024
Proposed Site Elevations - Drawing No: 1553-03 Rev No: J published 20.03.2024
Proposed Site Elevations - Drawing No: 1553-04 Rev No: J published 20.03.2024
Proposed Site Sections - Drawing No: 1553-05 Rev No: J published 20.03.2024

Proposed Hub Floor Plan - Drawing No: 1553-06 Rev No: M published 20.03.2024

Proposed Cafe & Indoor Activity Building Elevations - Drawing No: 1553-07 Rev No: L published 20.03.2024

Proposed External Finishes Plan - Drawing No: 1553-09 Rev No: D published 20.03.2024

Proposed Hub Internal Areas - Drawing No: 1553-10 Rev No: B published 20.03.2024

Proposed Cafe & Indoor Activity - Drawing No: 1553-12 Rev No: D published 20.03.2024

Proposed Column Details - Drawing No: 1553-13 Rev No: - published 20.03.2024

Tree Protection Plan - drawing number 1687-003 revision A published 20.03.2024

Biodiversity Net Gain (BNG) Calculation (Issue 1, issue date 16.11.2023) by 4 Acre Ecology Limited published 07.12.2023

Preliminary Roost Features Assessment by Arbtech published 07.12.2023

Reason: In order to define the permission.

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

3. No development shall commence on the site shown on 'Proposed Site Plan' (Drawing No: 1553-02U Proposed Site Plan) until details of the design of the sports courts have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The details shall accord with Sport England's Artificial Surfaces for Outdoor Sport Updated guidance for 2013 and include technical design elements, including necessary specification sheets, detailed site plans, elevations and cross section drawings of the sport courts, detailing the sub layers, materials and depth of materials, drainage, and all court layout dimensions including line markings; enclosures and access; as well as any equipment and associated fixtures to facilitate the intended outdoor sports. The sport courts shall be constructed fully in accordance with the approved details and shall not be used other than for outdoor sport and play, thereafter.

Reason: Having regard to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended it is necessary to have these details before development of the proposed sports courts commences to ensure the development is fit for purpose and sustainable as well as to accord with Development Plan Policy and to comply with paragraph 103 of the National Planning Policy Framework.

4. 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.

5. 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.

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

6. No development shall commence until the measures to protect existing trees to be retained have been implemented in accordance with the Tree Protection Plan (Drawing No: 1687-003 Revision A). Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

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

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

8. Details of the security shutters on the building hereby approved 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.

9. The biodiversity enhancements and mitigation shown within both the BNG Calculation by 4 Acre Ecology Limited and the Preliminary Roost Features Assessment by Arbtech 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. The biodiversity enhancements shall thereafter be maintained and retained in perpetuity.

Reason: In the interests of biodiversity.

10. The flood lighting hereby approved shall be carried out in accordance with the approved plans and shall be finished in green to match the approved fencing.

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

Other Compliance Conditions

11. No customer shall be permitted to be on the premises outside the following times: 0700 hours to 1000 hours

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

12. All sports floodlighting associated with the use of the development hereby permitted shall be controlled by automatic timer which shall be set to turn off the lights between 21:30 hours and 07:30 hours the following day on all days.

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

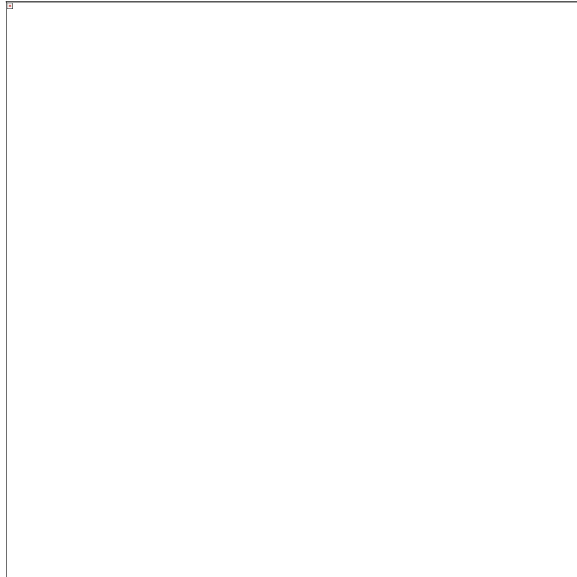
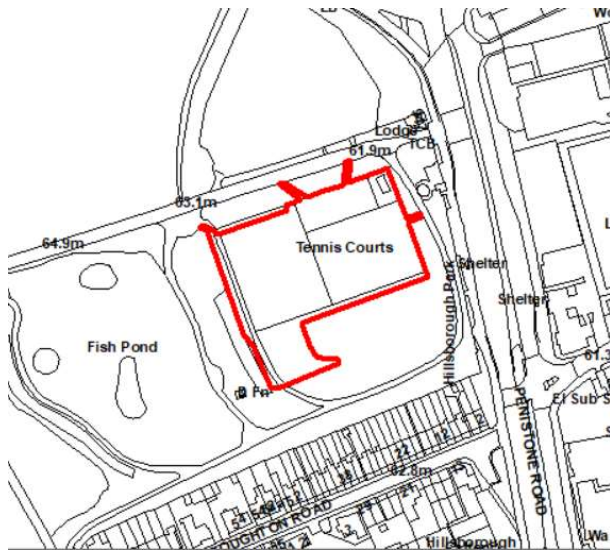
13. No amplified sound or live music shall be played in external areas hereby permitted, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The proposed site plan indicates the proposed planting of new Oak trees near to the site. This tree planting is welcomed and you are encouraged to uphold this commitment and plant the new trees by the time the development is complete.

Site Location



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LOCATION AND PROPOSAL

The site relates to Hillsborough Park, which is located north-west of the City Centre. The park is located between Penistone Road and Middlewood Road, with Sheffield Wednesday's Hillsborough stadium positioned immediately north of the park. The district shopping centre of Hillsborough is located to the south. West of the park is characterised by Victorian housing, and there is also housing located adjoining the boundaries at the south and south-eastern corner. Land to the east mainly comprises industrial development along Penistone Road.

Hillsborough Park is designated as an Open Space area, a Historic Park and Garden and lies within the Hillsborough Conservation Area as defined by Sheffield Unitary Development Plan (UDP). There are also a number of Listed buildings within the confines of the park:-

- Hillsborough Hall (Library) - Grade II
- Former coach house and stable (Now Depot Bakery Café) - Grade II
- West Lodge – Grade II
- East Lodge - Grade II
- Gateway and boundary wall at East Lodge - Grade II
- Historic Park & Garden (Grade II)

A primary school located on Parkside Road to the north-western side of the park is also Grade II Listed.

Proposal

Planning permission is sought for the erection of a sports facility including a new café/community space building, replacement tennis courts, a replacement Multi Use Games Area (MUGA), new mini-golf, Padel tennis court facilities and outdoor activity space and other associated works.

The proposal is to be located within the south-eastern corner of the park and would replace both the existing MUGA and tennis courts (4no.). The site is located between the duck pond and the boundary with Penistone Road and is immediately adjacent to the fairly recently created pump track that is in use for bikes, scooters and skateboards etc.

The scheme is proposed by Courtside Hub CIC in conjunction with the Council's Parks and Countryside Department. Courtside Hub is a not-for-profit community interest company dedicated to increasing physical activity and promoting physical activity through the transformation of local parks.

The proposal includes the following features:

- A café/community space building (use for exercise classes, yoga, community meetings etc)
- 3 x Tennis courts (With 1 of those also being suitable for Netball)
- 1 x multi-use games area (MUGA)
- 2 x Padel Tennis courts

- Mini-golf area
- Outdoor activity space

It is understood that the MUGA will remain as a free-to-use facility, but that there will be a charge for the other facilities proposed. The proposed MUGA will be smaller than the existing and there will be a reduction of 1 tennis court, but this is offset by the introduction of the 3 new tennis courts, 2 new padel courts, new mini golf, a defined outdoor activity space and a community building and café.

PLANNING HISTORY

There is much planning history within Hillsborough Park, the most relevant being the recent permission for the pump track adjacent to the application site:

20/01278/FUL - Construction of an asphalt all-wheel bike track and learn to ride area, siting of 2 shipping containers for equipment storage and welfare facilities, provision of hard surfaced areas, benches, bike racks, signage, lighting columns and soft landscaping – Granted conditionally

SUMMARY OF REPRESENTATIONS

Site notices were displayed within and around the park on 22nd December 2023 with an expiry date for comments of 16th January 2024.

30 representations have been received of which 18 are in objection, 10 are in support and 2 have been made as neutral comments.

The objections are summarised below:

- Many of the objections make reference to the reduction in ‘free to use’ space (i.e. the MUGA) and the ‘commercialisation’ of the park through the introduction of the Padel Courts and the Community/Café building.
- Concerns have also been raised with regards to the potential impact upon Cycling4All and other groups who use the ‘free’ facilities within the park.
- There is also objection to the introduction of an additional café into the park.

Non-material planning considerations

- Several comments have also queried whether the remuneration connected with the facility will be directly reinvested into the park.

Comments of support are summarised below:

- Sheffield Wednesday FC support the introduction of new and improved facilities within the park, which they say would provide facilities to support their community outreach, well-being and education projects, as well as providing further facilities to support the ‘Owls in the Park’ event.
- Yorkshire Sport Foundation support the scheme and reference the adjacent Pump Track as being a success.

- Burton Street Foundation (located half a mile away) support the introduction of new facilities which they could use.
- Several comments support the introduction of new and improved facilities within the park, notably the Padel courts.

Sport England representation

Sport England (SE) were consulted on this application as the proposals involves a facility to serve an existing sports ground. Sport England does not wish to object to this this planning application, as it is considered to meet the following objectives:

- Provide - To provide new opportunities to meet the needs of current and future generations, as set out above
- Enhance - To enhance opportunities through better use of existing provision

However, Sport England would therefore prefer it if the technical design matters could be addressed prior to determination of the planning application. If this is not possible, then Sport England would recommend the imposition of the following planning condition:

No development shall commence on the site shown on 'Proposed Site Plan' (Drawing No: 1553-02U Proposed Site Plan) until details of the design of the sports courts have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The details shall accord with Sport England's Artificial Surfaces for Outdoor Sport Updated guidance for 2013 and include technical design elements, including necessary specification sheets, detailed site plans, elevations and cross section drawings of the sport courts, detailing the sub layers, materials and depth of materials, drainage, and all court layout dimensions including line markings; enclosures and access; as well as any equipment and associated fixtures to facilitate the intended outdoor sports. The sport courts shall be constructed fully in accordance with the approved details and shall not be used other than for outdoor sport and play, thereafter.

Reason: Having regard to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended it is necessary to have these details before development of the proposed sports courts commences to ensure the development is fit for purpose and sustainable as well as to accord with Development Plan Policy and to comply with paragraph 103 of the National Planning Policy Framework.

PLANNING ASSESSMENT

National Planning Policy Framework (NPPF)

The National Planning Policy Framework attaches great importance to the design of the built environment and emphasises its role in contributing positively to making places better for people, whilst not attempting to impose architectural styles or particular tastes.

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Paragraph 11 of the NPPF requires that development that accords with up to date policies should be approved without delay. In instances where policies which are most important for determining the application are out-of-date, granting permission unless:

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when weighed against policies in the NPPF taken as a whole.

Paragraph 47 requires development to be determined in accordance with the development plan unless material considerations indicate otherwise.

The park is designated as an Open Space area, a Historic Park and Garden and lies within the Hillsborough Conservation Area as defined by Sheffield Unitary Development Plan (UDP).

USE

Paragraph 103 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

UDP Policies LR2, LR5 and LR10 (Development in Open Space), and Core Strategy Policies CS47 (safeguarding open space) are applicable.

These local plan policies and paragraph 103 of the NPPF are broadly aligned.

The principle of using the site for the proposed facilities is considered acceptable as they are facilities which would support the sport, leisure and recreational function of the park. The community building would provide opportunity for exercise classes, which are clearly reflective of a recreational nature, but even the proposed use for community meetings and the associated café would be ancillary functions adding further facilities into a large city park. Such facilities are acceptable in open space areas especially those which introduce new facilities and support the recreational function, providing they do not degrade or result in the loss of

important landscape features or areas of high-quality open space.

The proposal would replace and improve the existing tennis courts and MUGA, whilst also introducing new facilities (Padel Tennis Courts, Mini Golf, Community building/café and defined outdoor activity space) into the park. It is also acknowledged that the facilities are proposed in an area of the park which is already used as a MUGA and tennis courts, and as such the proposal is considered to be an improvement on existing provision. The proposal is therefore compliant with UPD Policy LR2 which promotes new leisure facilities.

UDP Policy LR5 states that development in open space areas will not be permitted where they would damage the character of a Historic Park or Garden; or where they would harm the appearance of a public space. The proposal comprising a new building and associated courts would be located on an area of the park which has already been developed (currently comprises MUGA and tennis courts) and comprises a relatively small area compared with the overall size of Hillsborough Park and therefore it is not considered that the proposal would be tantamount to overdevelopment nor result in the loss of an important area of the park. The park consists of significant areas of grass and open land which are used for various recreational purposes, notably the large area of grass on the northern side of the park, and the development would not result in the loss of any of these areas. The proposed facility, which would be relatively small compared with the size of the park, would not undermine or prevent the park being used for other leisure purposes such as walking, running or grassed based sports and informal play.

The site location proposed was considered to be the most suitable location within Hillsborough Park to provide such facilities and improvements. The northern half of the park appears to be unchanged from OS maps circa 1890, which comprises open grassed lawn and trees lining the footpaths and boundary edges. The south-western area of the park comprises rolling grassed areas, tree-lined paths and is in vicinity to the Grade II listed Hillsborough Hall (Library). This open aspect in combination with tree lined footpaths form a strong character of the park's appearance and contributes to its designation as a Historic Park and Garden. Development positioned in these areas would ultimately affect the appearance of the park and the setting of the Listed Hillsborough Library, whereas the proposal is positioned in an area of the park which has already been changed since the creation of the park and it is an opportunity to both upgrade existing facilities and introduce new facilities.

The site chosen and shown on this application currently comprises existing surfaced tennis courts and a MUGA and is immediately adjacent to the pump track for bikes, scooters and skateboards. This area of the park alongside the car park appears to be the main area which has been significantly altered since the creation of the park. It is understood that the tennis courts were created around 1923, however the area now has a modern municipal character due to the tennis court fencing and the creation of the adjacent MUGA. Consequently, the proposal within this area of the park is not considered to affect or degrade the appearance of the park any further and the proposal is an opportunity to improve the appearance of the site whilst enhancing and introducing new facilities. As mentioned, the proposal would introduce a new and improved facilities within the park which is compatible

with and supports the leisure function of the designated open space. It is therefore considered that the proposal would accord with the aims of LR5. Further assessment and consideration in terms of appearance and impact upon heritage assets will be given in later sections of this report.

The scheme would also comply with the aims of UDP Policy LR10 as it would improve facilities offered within the park and aid in providing a wider range of outdoor recreational opportunities without limiting current provision. It is acknowledged that there would be a net loss of one traditional tennis court and that the MUGA would be smaller in size. However this is considered to be offset through the creation of additional facilities which includes 2 brand new courts for the newer form of padel tennis.

In addition to the above it is not considered that the proposed facility would harm the aims of Core Strategy Policy CS47 (Safeguarding Open Space). This policy seeks to protect open space and prevent development that would result in the loss of open space which is of high quality or of heritage landscape. As discussed, the site in question is an area of the park which has been significantly altered due to the formation of the existing MUGA and tennis courts, and the site is considered to be sufficiently separated from the listed buildings within the park. Ultimately the proposal is a facility to support the function of the open space and adds a high-quality facility to be used by members of the public.

The principle of the proposed is therefore not considered to undermine the aims of local and national open space policies, and is supported by UDP Policy LR2, LR5 and LR10 and the aims of the NPPF.

DESIGN & IMPACT UPON HERITAGE ASSETS

Paragraph 131 of the NPPF identifies that good design is a key aspect of sustainable development. Paragraph 135 sets out a series of expectations including ensuring that developments add to the quality of the area, are visually attractive as a result of good architecture; layout and landscaping; are sympathetic to the local character and surrounding built environment; establish and maintain a strong sense of place; optimise the potential of a site and create places that are safe, inclusive and accessible.

UDP policies BE5 and Core Strategy Policy CS74 seek to achieve good design. UDP Policies BE16 (Conservation Areas), BE19 (Listed Buildings) and BE21 (Historic Park & Gardens) are also applicable. The aims of these policies are consistent with the principles of Paragraphs 131 and 135 of the NPPF.

The location shown is the main area within the park which has been significantly altered from the original layout of the park due to the creation of the existing tennis courts and MUGA. As stated previously, the application site would appear to be the most logical position to introduce such a facility. Other locations would likely harm the appearance of the park and affect the setting of the listed buildings.

When assessing the proposed facility, consideration has to be given to the existing site which comprises hardstanding and associated fencing which delineates the

existing MUGA and four tennis courts. The proposal would replace the existing facility and would be located on a similar footprint, albeit with a different layout and the inclusion of a new building. The proposed scheme would provide new tennis courts (x3), a MUGA, padel courts (x2), mini golf, outdoor activity space and new building including a cafe, WCs and indoor activity space. The proposal also includes a small extension to the 'Learn to Ride' track adjacent to the pump track.

The cafe/ community space is to be a single storey building with a natural stone plinth and stone coloured render above and an asymmetric pitched roof. Negotiations have secured the introduction of natural stone into the scheme to ensure there is a link between the scheme and the character of the Historic Park. The building would have an entrance on the northern and southern sides to provide both a welcoming presence on the main thoroughfare through the park and maintain good access within the sports areas. Natural stone is the predominant material in the Hillsborough Conservation Area and wider surroundings. Therefore, the proposed use of natural stone will aid in ensuring that the new building will reflect the character and identity of the park and Conservation Area. The asymmetric roof and modern doors and windows will ensure the building is distinctly contemporary and will suit the use of the building, which will need to be robust. The design of the building is contemporary in style whilst also being sympathetic to its context through the introduction of a strong stone plinth which anchors the building and respects its context. The overall design is simple and modest but is considered appropriate for its use which will involve high footfall and various user groups.

The padel courts are to have semi-opaque, off-white canopies constructed using a green steel frame to ensure year-round play, which the application submission states is fundamental to the viability of the scheme. The applicants have made efforts to reduce the impact of the canopies, such as making the steels green in colour to match the proposed mesh fencing and by making the canopy material an off-white colour and semi-opaque. Ultimately their appearance will be functional, but they will be easily removable should the courts cease to be required in the future. The key point is that the canopies are integral to the viability of the activity hub, which will provide substantial public benefits and in turn, outweigh any visual harm caused by the canopies.

The overall activity hub will be enclosed by mesh fencing in a green colour up to a maximum height of 4m. This fencing would not be dissimilar to the existing fencing which surrounds the site and therefore the visual impact of it is considered to be negligible in this respect.

New, green 10m high columns with LED court lights (floodlighting) are proposed to replace the old metal halide floodlights. This floodlighting is to match the new sports fencing layout and ensure year-round use (a restriction on the hours of use is detailed within the forthcoming section of the report on residential amenity).

Although strictly speaking outside the red line boundary of the application site it is proposed to include newly surfaced areas and new areas of soft landscaping including 2no. oaks to the west of the site and two areas of wildflower planting. This can still be secured with the land being within Council ownership.

The proposal would not result in the loss of any trees and only a very small area of grassed area would be lost. The trees lining the central footpath within the park would offer some screening of the development and ultimately the facility would be positioned in an area which has already been developed. The building is considered to be of a good design with high quality materials proposed. The development would have minimal impact in terms of the main views within the park. The site is in the most secluded area possible, despite its position close to Penistone Road. It is considered that other locations within the park would impede views within the park and could affect the setting of either of the two listed buildings.

The proposed scheme is considered acceptable from a design perspective and is considered to preserve the character and appearance of the Conservation Area by continuing its recreational use and preserving the heritage assets at the west end of the park. It will enhance the appearance of the conservation area on the eastern boundary.

Further to the above, UDP Policy BE19 identifies that development is expected to preserve the character and appearance of a listed building and its setting, with Policy BE16 seeking to preserve or enhance conservation areas and Policy BE21 seeking to protect Historic Parks & Gardens. These policies align with the following guidance in the NPPF.

The NPPF seeks to protect heritage assets from unacceptable harm (paragraph 195 NPPF). Paragraphs 205 to 214 of the NPPF identify how the effects and impacts on heritage assets should be considered. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

It goes on to say that any harm to the significance of a heritage asset requires 'clear and convincing justification', that substantial harm to Grade II listed buildings should be exceptional (paragraph 206); and that, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal' (paragraph 207).

In considering whether to grant planning permission for development which affects a listed building or its setting, section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 states that the local planning authority shall have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With reference to paragraphs 205 to 207, consideration has to be given to the impact upon the setting of the heritage assets. In this instance the heritage assets are as follows:

- Hillsborough Hall (Library) - Grade II
- Former coach house and stable (Now Depot Bakery Café) - Grade II
- West Lodge – Grade II
- East Lodge - Grade II
- Gateway and boundary wall at East Lodge - Grade II
- Hillsborough Park Conservation Area
- Historic Park & Garden (Grade II).

The proposed activity hub is to be located at the east end of the park and does not involve any physical alterations to any of the Grade II listed structures, therefore it is the impact on their setting which is to be considered.

The distance of the activity hub from the Hall (Library), coach house and west lodge is considered to be sufficient that the visual impact will not be significant and certainly not detrimental. The existing trees and topography of the park will provide an effective visual barrier, even during winter. There is a possibility that the padel court canopies may be seen from certain vantage points at the western end of the park, but these would be fleeting, and the Hall (library) is very unlikely to be viewed in the same context as the activity hub. In terms of the setting of the heritage assets at the western end of the park (the Hall (Library), coach house and west lodge) it is considered that any harm would be negligible, and any harm that may entail is considered to be outweighed through the public benefits of the scheme through the introduction of new and upgraded facilities.

The East Lodge and adjacent gateway and boundary wall are adjacent to the application site, therefore the potential impact on their setting is greater. There is also likely to be a greater impact on the Hillsborough Park Conservation Area and the Historic Park and Garden. The impact of the proposal upon the heritage assets at the east end of the park is considered moderate, due to the cumulative impact of the building, fencing, canopies and court lights. The change to the site is not considered significant due to the established existing MUGA and tennis courts, which already has associated fencing and lights. The new padel canopies, fencing and court lights can be easily removed, but nevertheless they are utilitarian structures required as part of the overall scheme. The resulting impact of the new building and associated sports courts on the heritage assets (East Lodge, gateway & boundary wall, Hillsborough Conservation Area and Historic Park & Garden) is considered to be less than substantial harm, but this is considered to be outweighed by the public benefits through the introduction of new and upgrade leisure/sporting facilities.

The benefits of providing improved facilities and introducing new facilities for users of the park and the residents of Sheffield are considered to outweigh any harm that the scheme may have upon the specified heritage assets. The proposal is therefore considered compliant with the aims of the NPPF.

RESIDENTIAL AMENITY

Although the site is designated within an Open Space policy area, the site is located immediately next to an established housing area. Houses on Broughton Road back onto the park and will therefore be in relatively close proximity to the

proposed development.

UDP Policy H14(c) states that in Housing Areas, development will be permitted provided that 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.

The above policy closely aligns with the aims of Paragraph 135 (f) of the NPPF.

The nearest sensitive uses are the houses on Broughton Road approx. 50m away. This road runs parallel to the southern boundary of the park. The pump track as well as a grassed area, footpath and a further grassed area would be retained between these houses and the application site including a number of trees positioned.

The structure of the proposed building, padel court canopy and associated fencing would be suitably separated from the neighbouring houses to ensure that the structure does not impact upon their neighbouring living conditions.

The scheme has the potential to introduce additional noise into the park and potentially impact upon the living conditions of houses on Broughton Road. The tennis courts can, at any one time, be used by a maximum of four people, assuming that a doubles match is played. The application proposed No.3 tennis courts, a MUGA, Mini Golf Course and No.2 Padel courts. Consequently, during daylight hours, there could be circa 20 persons playing on tennis/Padel courts and more persons (possibly 10 or more) on the MUGA. In summer months, play could take place on the courts until the late evening without the need for floodlights. It is not considered that the proposal would increase noise levels to a degree significantly above that which already occurs from use of the tennis courts, MUGA and people playing sports on the nearby grassed areas. The backdrop of noise associated with the park is a long-established situation.

There is however the possibility for the use of the proposed building to generate noise as it would include exercise/fitness classes, as well as yoga, meetings, a café and possibly birthday parties. Such activity has the potential to be a nuisance to nearby residents and other park users, however noise within the building is likely to be lost amongst noise generated from other leisure activities within the park and the noise generated from vehicles traversing Penistone Road, which runs immediately to the east of the site. In light of this, it is considered reasonable to impose conditions to restrict the hours of use of the site from 7am until 10pm, and also a condition to ensure that any floodlighting is turned off by 9:30pm and turned on no earlier than 7:30am. It is also considered appropriate to impose a condition to restrict the placement of fixed speakers externally, so that amplified sound does not otherwise cause a noise nuisance to residents or other park users. These conditions have been discussed with the applicant and are considered appropriate to prevent the any disamenity from occurring from the use of the premises.

Subject to the above conditions, it is considered that the proposal would be acceptable in light of UDP Policy H14 and the aims of the NPPF.

LANDSCAPING

Policy BE6 states that good landscape design will be required in all new developments.

This policy is consistent with Paragraph 135 b) of the NPPF.

UDP Policy GE15 states that trees and woodland will be protected by planting, managing and establishing trees and woodlands and not permitting development which would damage existing woodlands.

This policy broadly aligns with para 180 b) of the NPPF.

As the application site is currently used as a leisure facility comprising of tennis courts and a large area of hardstanding comprising the MUGA, very little of the application site consists of vegetation. Immediately adjacent to the application site is a row of mature trees along the northern boundary and a smaller row of trees in the south-eastern corner. None of these trees will be removed or affected by the proposed development as shown in the existing and proposed site layouts. A tree protection plan has however been submitted and a condition is recommended to be imposed to ensure that tree protection measures are in situ prior to the commencement of construction works and shall remain throughout the construction period.

The only loss of vegetation within the development site is a small strip of grass which surrounds an existing table tennis table and area of hard standing. The area of grass to be lost is insignificant within the wider context of Hillsborough Park and is also considered to be of low ecological value. It is also considered that when accounting for the benefits to the proposed facilities and the encouragement of healthy living and access to open spaces, these improvements would significantly outweigh the loss of a small area of grass.

In light of the above, it is considered that the proposal will have a minimal impact upon the setting of the park and its landscape.

New Oak trees are to be planted within the vicinity of the application site but outside the defined red line boundary. Notwithstanding this can still be secured by virtue of the land being Council owned.

The scheme would therefore be compliant with UDP Policy BE6 and GE15, and paras 135b) and 180 b) of the NPPF.

ECOLOGY

Paragraph 180 a) and d) of the NPPF identifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity value; and minimise impacts on and providing net gains in biodiversity; including by establishing coherent

ecological networks that are more resilient to current and future pressures.

Paragraph 186a) of the NPPF identifies that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Part d) of paragraph 175 goes on to state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Policy GE11 'Nature conservation and development' of the UDP seeks to protect and enhance the natural environment ensuring that the design, siting and landscaping of development respects and promotes nature conservation and includes measures to reduce any potentially harmful effects of development.

The Environment Act 2021 has introduced a requirement for some new developments to deliver a 10% biodiversity net gain. However, for non-major development proposals the legislation does not apply to applications submitted before 2nd April 2024. Notwithstanding the application proposal is still required to demonstrate no net loss of biodiversity and a net gain has been encouraged by Officers.

The site area as existing comprises mainly hardstanding forming the tennis courts and a MUGA, and there is a very small area of grass. The site therefore has limited biodiversity value and is largely used for recreation purposes which is likely to deter much wildlife from this area in any instance.

The site is located near to the duck pond which is home to various wildlife, such as ducks and geese. It is not considered that the proposal would provide any additional harm over and above that caused by the nearby Pump track and existing tennis courts and MUGA.

A Preliminary Roost Features Assessment by Arbtech has been undertaken and submitted with the application. The site and surrounding trees have been assessed for nesting birds, foraging bats and bat roosts. The report concluded that there is unlikely to be any such feature which would constrain the redevelopment of the site. The Preliminary Roost Assessment concluded that there would be no direct impact on bats or birds, but light-spill may indirectly affect them, but this was not seen as a constraint to the proposals. No other protected or notable species were found on the site or are regarded as likely to use the common habitats found there. The proposal includes the installation of two bird boxes along with three bat boxes are to be erected in retained trees to the north to enhance the site for nesting birds and roosting bats, with feeding stations encouraging birds for visitors to see. These features are welcomed.

A BNG Calculation by 4 Acre Ecology Limited has been submitted with the application. The calculation states that the proposed works will result in a net loss of 0.09 biodiversity units, due to the loss of some small areas of amenity grassland. To compensate for this, it is proposed to enhance other areas immediately adjacent to the site by planting a super pollinator meadow in one area, a woodland

fringe meadow in another and removing shrub and replanting this with amenity grassland. Therefore, taking this into consideration, the biodiversity net gain calculation achieved a net gain of 0.49 units, or over 540%, with enhancement of off-site grassland and introduced shrub removal within the same ownership, easily surpassing the 10% aim.

The inclusion of bat and bird boxes, as well as the BNG calculation concludes that there will be a net gain in biodiversity, well above the 10% aim that is currently advised and would therefore comply with the aims of the NPPF.

FLOOD RISK & DRAINAGE

Policy CS67 Flood Risk Management of the Core Strategy 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 with a general theme of guiding development (where possible) to areas at the lowest flood risk.

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The large majority of the development site is within Flood Zone 1. However, based on the flood risk map the eastern portion of the site is shown as located within Flood Zone 2, which is categorised as “Land having between a 1 in 100 and 1 in 1000 annual probability of river flooding”.

The intended use of the site for outdoor sports and recreation (Courts and external areas) is classified as “water-compatible development” in accordance with Table 2 of the NPPF Planning Guidance, however the community building/café would be considered a ‘less vulnerable use’.

Taking into account the site being located within Flood Zone 2 and the Vulnerability Classification class falling under ‘less vulnerable’ and ‘water-compatible’ development, Table 3 of the NPPF Planning Guidance confirms that the development is appropriate and hence there is no requirement to undertake an Exception Test.

A Surface Water Drainage Strategy (Ref 6781-AEA-ZZ-XX-RP-Z-2500) by Ambient Environmental Assessment has been submitted which includes a flood risk assessment. The report states that the proposed development is located within Flood Zone 1 and 2, as indicated by the EA Flood Map for Planning. According to Table 2 of the Flood Risk and Coastal Change PPG, the existing site is considered both ‘Water Compatible’ and ‘Less Vulnerable’, due to its usage for outdoor sports and recreation (tennis courts, MUGA, mini golf etc.) and café/indoor activity space, respectively.

The key findings of the Surface Water Drainage Strategy and Flood Risk Assessment are as follows:

- The existing site is utilised for outdoor sports and recreation and therefore the use is already established. The proposed development seeks to expand on the existing established use. Furthermore, the majority of the site is to be classified as 'Water Compatible', which is considered appropriate in Flood Zone 2. The 'Less Vulnerable' development (café/indoor activity space) is to be located in Flood Zone 1 and subsequently at the lowest area of flood risk. Therefore, it would be unreasonable to suggest that there is a more appropriate site at lower risk of flooding that the development could be located on.
- The assessed pluvial flood risk over the development lifespan is considered to be relatively low.

Surface Water Drainage Strategy (reference 6764-AEA-ZZ-RP-Z-0001) goes onto reference the drainage strategy for the site, which has been reviewed The Lead Local Flood Authority.

The submitted strategy shows the intention to discharge surface water via infiltration. The infiltration tests results showed a relatively quick infiltration rate, typical of sand as specified by the LLFA. The LLFA state that infiltration is unlikely to be suitable and given the sites proximity to an existing watercourse and associated pond, its viability has been questioned. A very strong case for infiltration being suitable must be made. Discharge to existing watercourse may be more appropriate.

Technical evidence in the form of a technical note/infiltration test results has been requested to be submitted to evidence that infiltration is appropriate for this site. Such discussions are ongoing and therefore it is considered that such details can be reserved by condition, unless further details are provided prior to the planning committee.

Subject to the imposition of a condition to secure full drainage details, the proposal is considered acceptable in terms of drainage and flood risk.

HIGHWAYS

Development should seek to ensure highway safety as required under paragraph 114 of the NPPF. Paragraph 115 of the NPPF further states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The proposal would be located within the confines of the park. Whilst it would be adjacent to Penistone Road, it would not be significantly visible, would be set back from the boundary by at least 20 metres and would be partly screened by existing trees. The scheme is not considered to have a detrimental impact to highway safety or interfere with or provide a distraction to motorists.

The proposal is within a public park and therefore it is considered that it would not increase vehicular movements to the park to a level that would be considered to be harmful. Many users are likely to traverse to the site on foot, Supertram and there will be a degree who visit by car, however there is paid parking available within the park to cater for motorists.

It is not considered that the proposal would result in such trip generation which would cause an adverse impact upon the surrounding highways nor significantly worsen parking demand. The proposals are located within an established park which attracts significant numbers of people and is an appropriate location for such a facility. The proposal is not considered to result in any highway safety concerns and as such would accord with the NPPF.

OTHER MATTERS

The applicants have confirmed that the hub has been carefully designed (with over 20 iterations) to accommodate existing and potential site users, including but not limited to: Tramlines, Sheffield Cycling4All (SC4A), MUGA and pump track users, Make Space for Girls, the LTA/tennis players, parkrun, netballers, padel players, café visitors and local residents. The building is sited centrally with a welcoming entrance on the north side to invite passers-by in from the main park thoroughfare. A takeaway hatch is located on this front façade, for important operational reasons. The hub serves as a base for all the peripheral sport and recreation facilities, and the south-facing outdoor café seating offers a pleasant aspect looking out onto a central courtyard and detached from the noise of Penistone Road.

The applicants have also stated that throughout this lengthy consultation process, Sheffield Cycling4All (SC4A) has been an important stakeholder. SC4A has storage provision on the car park, use of the widened pathways around the park and use of the Learn to Ride area/MUGA. At SC4A's request, the applicants moved the new MUGA to the south west corner of the site, ensuring free-flowing access between the Learn to Ride area and MUGA during their delivery hours.

The proposed development would not impact operations other than on selected school holiday days when the new MUGA may be in use, hence extending the Learn to Ride area (by around 50sqm) and widening the connecting pathway on the western side of the site to circa 3m wide to facilitate the collection and return of tricycles from/to storage. These extensions will be completed first allowing for minimal disruption to SC4A, with whom the applicants are in close contact. They have, in addition to the above, discussed how the applicants can support SC4A staff with welfare whilst delivering sessions, offering them use of the proposed facilities along with discounted food and drink.

CONCLUSION AND RECOMMENDATION

Planning permission is sought for the erection of a sports facility including a café/community space building, replacement tennis courts, replacement MUGA, new mini-golf, Padel court facilities and outdoor activity space and other associated works.

The principle of the development is accepted under paragraph 97 of the National Planning Policy Framework (NPPF). The proposal is also considered to comply with Open Space policy outlined within Policies LR2, LR5 and LR10 of the Unitary Development Plan (UDP), as well as Core Strategy Policy CS47.

It is considered that the proposal represents an appropriate form of development which would support the recreational function of the park and would introduce a new facility providing additional recreational choice for the residents of Sheffield. The proposed scheme is considered to have minimal impact upon the heritage assets of the Grade II Listed Buildings (Hillsborough Hall (Library), former coach house and stable (Now Depot Bakery Café), West Lodge, East Lodge, and Gateway and boundary wall at East Lodge), Hillsborough Conservation Area and the designation of the site as a Historic Park & Garden. The development is minimal in the context of the size of the park, replacing the existing tennis courts and multi-use games area (MUGA) within the south-western corner of the park. The proposal would not interfere with any key views within the park given its proposed position. The south-eastern appears to be main location which has been altered since the creation of Hillsborough Park back in the 1890's. The proposed building is considered appropriate subject to the use of high quality facing materials which include the proposed use of a natural stone plinth.

The proposal is considered compatible with the existing recreational uses within the parks and is not considered to create any greater noise nuisance than existing usage of the tennis courts and MUGA. A condition is however recommended to be imposed to ensure lighting is switched off at appropriate times to limit the potential for activity in this area to carry on into the late evenings and also conditions to limit the hours of use of the building.

The site is located within both Flood Zone 1 and Flood Zone 2, however the proposed uses are defined as 'water compatible' and 'less vulnerable' in accordance with Table 2 of the NPPF Planning Guidance and therefore the submitted FRA defines the development is appropriate subject to adequate drainage provision.

For the reasons given within the report, it is considered that the development would be in accordance with the aims of the National Planning Policy Framework and local plan policies, specifically UDP Policies LR2, LR5, LR10, BE5, BE6, BE16, BE19, BE21, GE15 as well as Core Strategy Policies CS47 and CS74.

It is recommended that planning permission is granted conditionally.