

# Planning and Highways Committee

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**Tuesday 27 August 2019 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**

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

## **Substitute Members**

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

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## **PUBLIC ACCESS TO THE MEETING**

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

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday. You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

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

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

Further information on this or any of the agenda items can be obtained by speaking to Simon Hughes on 0114 273 4014 or email [simon.hughes@sheffield.gov.uk](mailto:simon.hughes@sheffield.gov.uk).

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## **FACILITIES**

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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.

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
27 AUGUST 2019**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public.
- 4. Declarations of Interest** (Pages 1 - 4)  
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Minutes of Previous Meeting** (Pages 5 - 8)  
To approve the minutes of the meeting of the Committee held on 6<sup>th</sup> August 2019.
- 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 9 - 10)  
Report of the Director of City Growth.
  - 7.1 Sheffield High School For Girls, Rutland Park, Sheffield S10 2PB (Case No. 19/01954/FUL)** (Pages 11 - 22)
  - 7.2 72 Banner Cross Road, Sheffield S11 9HR (Case No. 19/01761/FUL)** (Pages 23 - 34)
  - 7.3 D H Bowyer And Sons, 4 Brooklands Avenue, Sheffield S10 4GA (Case No. 19/01727/FUL)** (Pages 35 - 46)
  - 7.4 Park Hill Estate, Duke Street, Park Hill, Sheffield S2 5RQ (Case No. 19/00902/LBC)** (Pages 47 - 64)
  - 7.5 Park Hill Estate, Duke Street, Park Hill, Sheffield S2 5RQ (Case No. 19/00523/FUL)** (Pages 65 - 92)
  - 7.6 Milton Street Car Park, Milton Street, Sheffield S3 7UF (Case No. 18/03849/FUL)** (Pages 93 - 134)
  - 7.7 Land At Horndean Road And Barnsley Road, Sheffield S5 6UJ (Case No. 18/03406/FUL)** (Pages 135 - 156)

**8. Record of Planning Appeal Submissions and Decisions**

(Pages 157 - 168)

Report of the Director of City Growth.

**9. Date of Next Meeting**

The next meeting of the Committee will be held on Tuesday, 17<sup>th</sup> September 2019 at 2pm in the Town Hall.

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Planning and Highways Committee

Meeting held 6 August 2019

**PRESENT:** Councillors Jayne Dunn (Chair), Tony Damms, Roger Davison, Dianne Hurst, Bob McCann, Zahira Naz, Peter Rippon, Chris Rosling-Josephs, Andrew Sangar, Mike Chaplin (Substitute Member) and Douglas Johnson (Substitute Member).

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**1. APOLOGIES FOR ABSENCE**

- 1.1 Apologies for absence were received from Councillors Jack Clarkson, Peter Garbutt, Alan Law and Peter Price.
- 1.2 Councillor Mike Chaplin acted as substitute for Councillor Peter Price and Councillor Douglas Johnson acted as substitute for Councillor Peter Garbutt.

**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 Andrew Sangar declared a personal interest in Agenda Item No. 7b – application for planning permission at Milton Street Car Park, Milton Street, Sheffield, S3 7UF (Case No. 18/03849/FUL), for the reason that he was chair of an organisation which had an association with Beehive Works, although this association ended in 2016.
- 3.2 Councillor Douglas Johnson declared personal interests, as a local Ward Member, in Agenda Items Nos. 7a and 7b, applications for planning permission, respectively, at Land at Wellington Street, Trafalgar Street and Rockingham Street, Sheffield, S1 4HD (Case No. 19/01836/FUL), and at Milton Street Car Park, Milton Street, Sheffield, S3 7UF (Case No. 18/03849/FUL). Councillor Johnson declared that he had not given an opinion or declared his position on the applications prior to the meeting and would therefore take part in the discussions and votes thereon.

**4. MINUTES OF PREVIOUS MEETING**

- 4.1 The minutes of the meeting of the Committee, held on 16<sup>th</sup> July 2019, were approved as a correct record, subject to the addition of the name of Councillor Andrew Sangar in the declarations of interest made at paragraph 3.2 of the minutes, in relation to Agenda Item No. 8 – Tree Preservation Order No. 433, 9

Ranmoor Crescent, Sheffield S10 3GU, to reflect the fact that Councillor Sangar had made a declaration at the meeting on the grounds that he was a local Ward Member.

**5. SITE VISIT**

- 5.1 **RESOLVED:** That the Chief Planning Officer, in liaison with a Co-Chair, be authorised to make arrangements for a site visit, provisionally to be held on Thursday, 22<sup>nd</sup> August 2019, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

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

- 6.1 **RESOLVED:** That the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder, and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date and as amended in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose.

**6a LAND AT WELLINGTON STREET, TRAFALGAR STREET AND ROCKINGHAM STREET, SHEFFIELD, S1 4HD (KNOWN AS BLOCK 8 NEW RETAIL QUARTER) (CASE NO. 19/01836/FUL)**

- 6a.1 Having noted an amendment on page 37 of the report (to remove reference to "106" but to retain the words "legal agreement" thereafter, in the final paragraph, which related to public art) and subject to an amendment to condition 31 (to add the words "The development shall thereafter be serviced in accordance with the approved strategy."), as outlined in a supplementary report circulated at the meeting, and having heard representations at the meeting from the Agent for the applicant speaking in support of the application, an application for planning permission for erection of a mixed use development incorporating residential accommodation comprising 364 apartments, 764m<sup>2</sup> of commercial floorspace (Use Class A1, A2, A3, A4, A5, or B1), with associated works, landscaping and ancillary features, at land at Wellington Street, Trafalgar Street and Rockingham Street, Sheffield, S1 4HD (Case No. 19/01836/FUL), be granted, conditionally, subject to the completion of a legal agreement, for the reasons detailed in the report now submitted.

**6b MILTON STREET CAR PARK, MILTON STREET, SHEFFIELD, S3 7UF (CASE NO. 18/03849/FUL)**

- 6b.1 Having noted amendments to conditions 2, 28 and 42, as outlined in a supplementary report circulated at the meeting, and having heard

representations at the meeting from the Agent for the applicant speaking in support of the application, and notwithstanding the officer recommendation, an application for planning permission for demolition of existing structures and erection of a mixed-use development between 4 to 26 storeys with 372 residential apartments, including 5 live work units, retail/commercial floorspace (A1 with no more than 225sqm of floorspace/A2/A3/A4/B1 Use Class) at ground floor, ancillary facilities, amenity space and associated parking (as amended plans) at Milton Street Car Park, Milton Street, Sheffield, S3 7UF (Case No. 18/03849/FUL), be deferred to allow for a second viability assessment to be conducted by an independent valuer/expert, and to allow for further comments to be obtained from Historic England on the additional information submitted by the applicant seeking to address their concerns.

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

- 7.1 The Committee received and noted a report of the Chief Planning Officer which detailed (a) planning appeals recently submitted to the Secretary of State and (b) the outcome of a recent planning appeal, along with a summary of the reasons given by the Secretary of State in his decision.

**8. DATE OF NEXT MEETING**

- 8.1 It was noted that the next meeting of the Committee would be held at 2.00pm on Tuesday 27<sup>th</sup> August 2019 at the Town Hall.

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## SHEFFIELD CITY COUNCIL Planning and Highways Committee

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Report of: Director of City Growth Department

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Date: 27/08/2019

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Subject: Applications under various acts/regulations

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Author of Report: Michael Johnson, Matthew Ridge and Lucy Bond  
2039183

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Summary:

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

Recommendations:

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Background Papers:

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

Category of Report: OPEN

Application No.	Location	Page No.
19/01954/FUL (Formerly PP-07892784)	Sheffield High School For Girls Rutland Park Sheffield S10 2PB	11 to 22
19/01761/FUL (Formerly PP-07860243)	72 Banner Cross Road Sheffield S11 9HR	23 to 34
19/01727/FUL (Formerly PP-07827772)	D H Bowyer And Sons 4 Brooklands Avenue Sheffield S10 4GA	35 to 46
19/00902/LBC	Park Hill Estate Duke Street Park Hill Sheffield S2 5RQ	47 to 64
19/00523/FUL (Formerly PP-07588315)	Park Hill Estate Duke Street Park Hill Sheffield S2 5RQ	65 to 92
18/03849/FUL (Formerly PP-06866526)	Milton Street Car Park Milton Street Sheffield S3 7UF	93 to 134
18/03406/FUL (Formerly PP-07261920)	Land At Horndean Road And Barnsley Road Sheffield S5 6UJ	135 to 156

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Case Number	19/01954/FUL (Formerly PP-07892784)
Application Type	Full Planning Application
Proposal	Application to allow the use of the sports halls and ancillary facilities by clubs and community organisations between 0800 hours and 2200 hours (Mondays to Fridays) and between 0800 hours and 1700 hours (Saturdays, and not on Sundays, Bank Holidays or other National Holidays) (Application under Section 73 to vary condition 3 of planning permission 14/03645/FUL - Application to allow the use of the sports halls and ancillary facilities by clubs and community organisations between 0800 hours and 2030 hours (Mondays to Fridays) and between 0800 hours and 1700 hours (Saturdays, and not on Sundays, Bank Holidays or other National Holidays) and in accordance with the Sports Hall Lettings Management Plan. Application under Section 73 to vary conditions 2 and 3 of planning permission 97/00714/FUL formally 97/0329P - Erection of sports hall and ancillary facilities in accordance with the amended plans)
Location	Sheffield High School For Girls Rutland Park Sheffield S10 2PB
Date Received	29/05/2019
Team	South
Applicant/Agent	Mr Iain Kane
Recommendation	Grant Conditionally

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

1. The development shall be begun not later than the expiration of five years from the 11 June 1997.

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

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

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

Email from Gayle Monaghan (Girls Day School Trust) dated 26 Feb 2014  
(with exception of utilisation of car parking at Moor Lodge)  
Sports Hall Lettings Management Plan submitted 08 August 2019,

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)**

6. The sports hall shall not be used unless suitable access and facilities for disabled persons, both to and within the sports hall and also within the curtilage of the site, have been provided to the satisfaction of the Local Planning Authority but, before such access and facilities are provided, full details thereof shall have been submitted to and approved by the Local Planning Authority. When the access and facilities have been provided, thereafter such access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

### **Other Compliance Conditions**

3. The sports hall and ancillary facilities shall not be used other than by the school or by clubs and community organisations between 0800 and 2200 hours (Mondays - Fridays) and 0800 and 1700 hours (Saturdays) and shall not be used on Sundays or Bank/Public Holidays. Outside school term time the sports hall and ancillary facilities shall be used solely by clubs and organisations and only between 08.00 and 18.00 hours (Mondays - Fridays) and shall not at any time be open to the general public.

Reason: 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

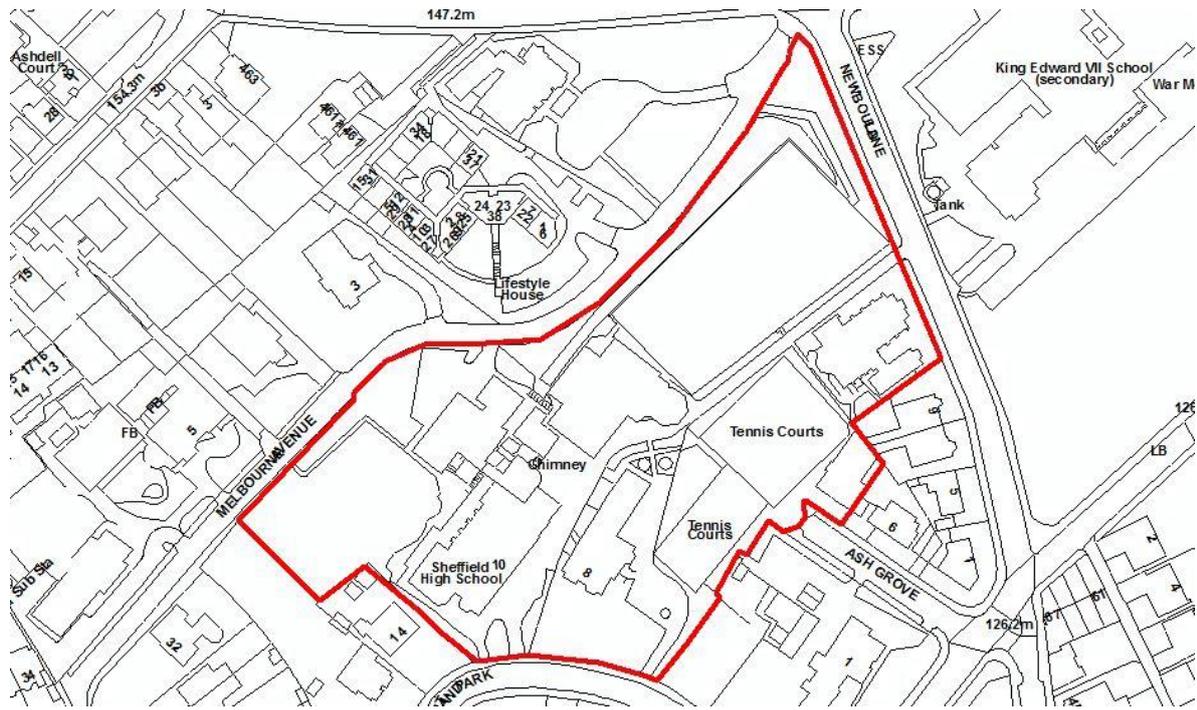
necessary in accordance with the requirements of the National Planning Policy Framework.

2. For the avoidance of doubt in line with National Planning Practice Guidance:

Conditions 1 and 6 have been included on this Decision Notice for completeness and because they remain in force. No further information is required in relation to these conditions at this stage. Please note the repeat conditions are listed with the same numbering as the original decision notice.

Conditions 4, 5, 7 and 8 of planning permission 14/03645/FUL; have not been included on this Decision Notice because their requirements have been met and no further information is required.

# Site Location



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## LOCATION AND PROPOSAL

The school comprises several buildings set in grounds bounded by Newbould Lane, Rutland Park and Melbourne Avenue. The surrounding area is predominantly, but not exclusively, residential. The school sports hall is adjacent to the main senior school building and can be accessed from either Melbourne Avenue or Rutland Park. There is a large all-weather games area adjacent to the sports hall and close to the Newbould Lane boundary. The nearest residential property is Lifestyle House on Melbourne Avenue. Lifestyle House is at a higher level and approximately 40m from the sports hall.

The application seeks to vary the time restriction condition covering the sports hall and ancillary facilities (dance studio and office within the sports hall), to allow usage by external clubs and organisations between 0800 hours and 2200 hours (on Mondays-Fridays during term times).

The current condition allows use by clubs and community organisations between 0800 hours and 2030 hours (Monday-Fridays) and between 0800 hours and 1700 hours (Saturdays), and at no time on Sundays and Bank Holidays. Out of school term time, use is restricted to clubs and organisations between 0800 and 1800 hours.

There are no restrictions regarding the actual use of the external sports/ games areas or on any other buildings within the school site. The floodlighting to the all-weather games area is currently controlled by condition to operate between 0900 and 2030 hours (Monday-Fridays), and the tennis/netball court lighting is limited to operating between 0800 and 2300 hours (Monday-Fridays) and 0800 and 1700 hours (Saturdays).

## RELEVANT PLANNING HISTORY

The sports hall was granted planning permission in 1997 (ref 97/00714/FUL). Use was restricted solely to the school with no use outside term time or on Sundays and Bank Holidays.

Planning permission to remove the original restrictions was refused in 2000 (ref 00/00897/FUL). A subsequent appeal allowed partial lifting of the restrictions to allow use by clubs and organisations outside term time between 0800 and 1700 hours (Monday-Fridays only). No general public use was allowed.

Planning permission to allow use of the sports hall and ancillary facilities by external clubs and organisations between 0800 hours and 2030 hours (Monday-Fridays) and between 0800 hours and 1700 hours (Saturdays), was granted in March 2014 (ref 13/04247/FUL) for a six-month period.

A subsequent approval was granted in December 2014 to allow the Sports Hall and ancillary facilities to be permanently used as per the temporary 13/04247/FUL approval.

An approval was granted in May 2019 (ref 19/0983/FUL), which allowed floodlighting to the tennis/netball court, to between 0800 and 2300 hours (Monday-Fridays) and 0800 and 1700 hours (Saturdays).

Application reference 19/01950/FUL is currently undetermined and seeks planning permission to allow the floodlighting of the all-weather pitch to operate between 0900 hours - 2200 hours (Monday-Fridays) instead of the currently allowable 0900 hours to 2030 hours.

## SUMMARY OF REPRESENTATIONS

Following direct neighbour notification and the placement of a number of site notices; 8 written representations, a 19 signature petition and a representation provided by Cllr Argenzio have been submitted in objection to the scheme.

In addition, a single representation has been submitted in support of the application.

### Objections

The 8 written representations (including one which is said to represent the community of Lifestyle House's 37 apartments) are summarised as:

- Increased road traffic in area, especially Rutland Park which is already under a lot of pressure from school traffic in term times. Rutland Park becomes congested and full up with cars parking, waiting or collecting people from school evening activities. The road is also used by pedestrians leaving the site, creating noise.
  - Concern in regards to impacts at Melbourne Avenue, where the junction with Southbourne Road is one vehicle wide and at a blind bend, with no pavements. Accident risk increases.
  - Melbourne Avenue has been inappropriately adapted and isn't properly maintained by the school.
  - Additional parking will occur at Westbourne Road.
  - Introduction of double yellow lines at Clarkehouse Road has increased cars seeking to park on surrounding streets, other nearby developments and activities increase this. Parking restrictions are not being adhered to.
  - Lifestyle House already has problems with vehicles seeking to use its car park.
  - Increased air pollution.
  - Long term impacts on residents and nature of the conservation area.
  - Privacy and peace has been eroded by the continual development of the High School and extra noise and traffic. Proposed time extension will be past bedtime of many Lifestyle House residents (mostly retired). Currently allowed hours of use should be reduced which includes activity during school holidays and evenings/weekends.
  - Time restrictions are not being adhered to.
  - Harmful light pollution is experienced. 19/00983/FUL allows floodlighting until 2300 hours Monday to Fridays, well past the permitted time for use of the courts, and this should be further restricted.
  - Extending Sports Hall hours usage would reduce length of respite from traffic noise and fumes.
- Usage should be restricted to school pupils only.

- Inadequate neighbour notification.

#### Petition

The petition was signed by 19 residents of Lifestyle House can be summarised as follows:

- Previous approvals have gradually extended timings and allowed use by adults, leading to noise/disturbance and impact on peace and privacy,
- Use should be restricted to school and its pupils, and exclude school holidays,
- Many residents go to bed at around 2100 hours.

#### Councillor Representation

Cllr Angela Argenzio's objection is summarised as:

- The proposal represents an extension of the school day.
- Rutland Park residents are particularly heavily impacted by operation of the school by parking issues, due to proximity to school, as well as hospital and university. Parking restriction at Clarkehouse Road has worsened matters on Rutland Park.
- Along with the 19/01950/FUL application, usage until 2200 hours would be more appropriate to out of town leisure facilities remote from housing. The proximity to housing means an earlier finish time is appropriate.

#### Support

The Representation of Support is summarised as follows:

- Various local community organisations, including University of Sheffield and Hallam University students, use the facilities.

#### PLANNING ASSESSMENT

The site lies within a Housing Area as defined in the Unitary Development Plan (UDP). It is also within the curtilage of a Grade II listed building and Broomhill Conservation Area.

When planning permission for unrestricted use was refused in 2000, it was concluded that there would be no significant effect on the character or appearance of the Broomhill Conservation Area as a result of car parking and vehicular activity. The subsequent 2001 appeal decision endorsed this view. As a result, national and local policies specific to Conservation Areas and Listed Buildings are not considered here.

Policy H14 (Conditions on Development in Housing Areas) is the most relevant UDP policy. Policy CF1 (Provision of Community Facilities) is also relevant. The Core Strategy doesn't include any policies relevant to the application.

The National Planning Policy Framework at paragraph 92 requires planning policies and decisions to plan positively for the provision and use of shared spaces such as sports venues and meeting places. Paragraph 96 identifies that opportunities for

sport and physical activity are important for the health and well-being of communities.

The main issues for consideration are the impacts upon living conditions of neighbouring occupiers from noise and vehicle / user movements, and highway safety / car parking issues.

#### Living Conditions of Neighbouring Occupiers

The nearest residential properties are located in Lifestyle House on Melbourne Avenue. This building is approximately 40m from the Sports Hall, and set at a higher level.

The increased hours of usage would be in accordance with an adapted version of the previously submitted 'Sports Hall Lettings Management Plan'. It indicates that term time lettings are restricted to a capacity of 50 people. It is envisaged that the additional time will enable 1 or 2 additional lettings per weekday evening.

The Sports Hall building would continue to contain any noise generated by the later activities. Combined with the minimum 40m separation to the nearest residential neighbour, it is not considered that additional activities in the Hall would cause any noise disturbance to neighbouring occupiers.

Users of the Sports Hall will arrive and depart either by vehicle or as pedestrians. The adequacy of the car parking facilities in highway terms is assessed below. However, vehicle movements have potential impacts upon living conditions. The parking facilities are provided at the Science and 6<sup>th</sup> Form blocks which are accessed from Melbourne Avenue, with additional parking on Melbourne Avenue itself. Melbourne Avenue is accessed from Southbourne Road.

It is not expected that more vehicles at any one time would access the parking facilities during the proposed extended hours of use than utilise them at present. The configuration of Melbourne Avenue results in the majority of vehicles slowing down, which serves to lessen vehicle noise and potential disturbance.

A number of representations have raised concerns that some on-street parking occurs, particularly at Rutland Place, for picking up / dropping of participants of evening activities at the school. Notwithstanding these observations, adequate parking is available inside the site for the out of school hours uses. It is therefore considered likely that the majority of parking and dropping off/collecting will take place inside the school or potentially on Melbourne Avenue rather than on surrounding residential streets.

Some comments have referred to vehicle engine's idling, whilst waiting to collect participants. This is considered to be a driver behaviour issue, requiring education at a broader level, but again is unlikely to occur at a significant level as a direct result of the proposed request. As ample parking within the site is provided vehicles parked on-street would be limited in number and would not be considered to represent an impact of substantial harm sufficient to support a refusal of the application.

The School has developed links with Sheffield University, and students taking part in activities in the Sports Hall are most likely to arrive on foot, without cars. Pedestrian access/departures would utilise Melbourne Avenue and either Southbourne Road or Newbould Lane. There is some potential for larger groups to generate some noise via raised voices etc, but the size of groups would be restricted by participants dispersing in differing directions to their respective destinations.

In addition, the School commit in the Management Plan to stressing the importance of avoiding excessive noise when making a hire agreement. The Plan confirms that any unacceptable behaviour would potentially result in the letting agreement being cancelled.

In summary, it is considered that the movements associated to the Sports Hall additional hours of use would not have unacceptable impacts upon living conditions of surrounding residents and therefore complies with UDP policy H14k).

### Car Parking

The Management Plan continues to discourage usage of Rutland Park, instead directing vehicles to the school parking facilities accessed via Melbourne Avenue. There are 14 parking spaces adjacent to the science block (in close proximity to the sports hall) and 20 spaces at the sixth form block (1 Melbourne Avenue) which will continue to be made available for use in connection with the lettings. The total of 34 spaces far exceeds the 17 spaces required by Council's Car Parking Guidelines (1 space / 50m<sup>2</sup>) for sports facilities. As a result, they would be more than adequate to accommodate all the cars associated with the additional use.

The walking distance from the science block is approximately 25m and the distance from the sixth form block is approximately 125m. These walking distances are considered to be sufficiently short to encourage use of these designated parking areas. As an alternative to these provisions, parking in the allocated bays on Melbourne Avenue would be possible.

It is therefore considered that the parking arrangements on-site and at Melbourne Avenue would make parking at Rutland Park very unlikely. Therefore, any parking on Rutland Park would be expected to be limited and occasional.

As a result, the proposal would satisfy the requirements of Policy H14d).

### RESPONSE TO REPRESENTATIONS

The majority of written comments have been responded to in the above assessment. In relation to the remaining comments the following feedback is provided:

- The configuration of Melbourne Avenue at its junction with Southbourne Road is narrow, however, this configuration results in cars slowing down to minimise any hazard. During the additional hours of use general vehicle movements will be expected to be reduced.

Melbourne Avenue is a public highway with street lights, and isn't substandard to a point discouraging vehicle usage.

- There would be no reason for any attempted usage of Lifestyle House's car park to occur as a result of the proposal.
- Any additional vehicle trips to the site would be limited and wouldn't have a significant impact in regards to air quality.
- No complaints regarding breaches of conditions controlling hours of use have previously been raised. However, any future complaints would be investigated by the enforcement team.
- Extensive neighbour notification was carried out and a number of site notices were erected in the vicinity of the site in regards to the application. This was in accordance with statutory requirements and the Statement of Community Involvement.

## SUMMARY AND RECOMMENDATION

The application seeks permission to vary a condition imposed upon a previously granted planning consent, to allow the use of the Sports Hall to take place between 0800 and 2200 hours (Mon-Fri) in school term time, by the school or by clubs and community organisations. It is not proposed to alter the hours of use on a Saturday, Sunday / Public Holidays or outside of school term times.

The proposal is considered to have an acceptable impact upon the living conditions of residential occupiers within the surroundings from the use of the hall or vehicle and pedestrian movements. The activities would use parking facilities at the Science and Sixth Form blocks, which would ensure that on-street parking would be avoided and ensure that highway safety would not be undermined.

The proposal would comply with the provisions of the relevant UDP policy, H14 and also be in accordance with the spirit of UDP policy CF1 and NPPF paragraphs 92 and 96.

It is therefore recommended that the condition is varied to allow the additional use, subject to the continued operation of the amended Management Plan document.



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Case Number	19/01761/FUL (Formerly PP-07860243)
Application Type	Full Planning Application
Proposal	Erection of a single storey rear extension, and erection of a rear raised patio area
Location	72 Banner Cross Road Sheffield S11 9HR
Date Received	15/05/2019
Team	South
Applicant/Agent	Mr Warren Brown
Recommendation	Grant Conditionally

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

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

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

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

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

Proposed Elevations Revision #2 (Ref: 19-16, A-006, Rev C), received 23rd July 2019;  
Proposed Plans Revision #2 (Ref: 19-16, A-005, Rev C), received 23rd July 2019.

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)**

### **Other Compliance Conditions**

3. The proposed rear raised patio area shall not be used unless the privacy screen indicated on the approved plans has been provided. Thereafter such screens shall be retained.

Reason: In the interests of the amenities of occupiers of adjacent dwellings.

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 relates to a semi-detached three-storey dwellinghouse located on Banner Cross Road, in the Ecclesall area of the city. The site is in an allocated Housing Area as defined in the adopted Sheffield Unitary Development Plan. The locality is largely residential in character, predominantly consisting of semi-detached properties, with some detached, of Edwardian- and Victorian-era design.

The application site is faced in stone and brick with two bay windows at the front and one at the rear. It has Mock-Tudor timber cladding to the shared central gable in the middle of the roof space spanning both semi-detached dwellings. The property is set back from the highway somewhat by a front garden and also benefits from a generous rear garden.

Banner Cross Road runs on a North-West to South-East axis and the land gently slopes up towards the North-Western end of the road, where it meets Ecclesall Road South. At the application site, and at its semi-detached neighbour at no. 74, land levels also drop away to the rear of the dwellinghouses, such that the rear gardens are situated almost one-storey's height below the ground-floor level as accessed from the front. The garden of this dwelling, as well as neighbouring gardens, includes mature trees, some of which lie on the boundary between nos. 72 and 70, whilst the boundary between nos. 72 and 74 is characterised by a dense hedge.

This planning application seeks consent for the erection of a single-storey rear extension, and the erection of a rear raised patio area, which would adjoin to the proposed rear extension if granted planning permission.

## SUMMARY OF REPRESENTATIONS

A total of 56 comments have been received for this planning application, all of which are objections. There have been two sets of amended drawings since the original submission.

Immediate neighbours were notified of the original application by letter (dated 21/05/2019), and again by letter with regards to the second set of amended plans on 24/07/2019.

Six representations have been received from one of the four neighbouring properties that share a boundary with no. 72 Banner Cross Road, all in objection.

No representations have been received from the other three neighbouring properties.

A total of 23 representations have been received from outside the city of Sheffield.

Overall, the objections raise various issues and the material planning concerns that can be considered in this planning assessment are summarised below:

### Design

- The proposals would result in a high-quality original timber bay window incorporating stained glass being replaced by a poor-quality lean-to structure

incorporating poor-quality uPVC windows and bi-fold doors that would dominate the ground floor.

- The proposed windows and doors would not match the materials, or the alignment, or the proportions of the existing rear windows.
- The tall and oppressive structure would adversely affect the character and appearance of the host property.
- The extension would not remain subservient to the main dwelling by being inset from the side walls, and would therefore dominate the ground floor of the house.
- The privacy screen would be an unattractive feature to look at, being unsightly and over-powering.
- The proposed extension will dominate due to its size and height and will be ugly.
- The privacy screen/fence is relatively high.
- The proposed development is disproportionate to the site.

### Amenity

- The proposals will have significant impacts upon quality of life, privacy and security.
- The tall and oppressive structure of the proposed extension abutting the boundary with no. 74 Banner Cross Road would be highly visible, and cause a significant overbearing impact and loss of light adversely affecting both the rear windows and rear terrace area at this property.
- The solid side elevation of the extension will entirely block the sun as it rises for no. 74, as the property faces north-east.
- The creation of a large raised outdoor amenity space abutting the boundary with no. 74 would cause overlooking of the rear windows at both ground- and first-floor levels, the rear terrace and the rear garden of this neighbouring property.
- The proposals will lead to an increased sense of enclosure to no. 74.
- The development would also result in issues with overlooking and loss of privacy for the neighbours at no. 70 Banner Cross Road and the house that backs onto no. 72.
- The inclusion of a solid 1.8m-high privacy screen in close proximity to the boundary with no. 74 would cause a significant overbearing impact, a loss of light and over-shadowing, adversely affecting both the rear windows and rear terrace at no. 74.
- The plans do not adhere to the 45 degree rule, which is a good practice guide to assess impacts in terms of daylight and sunlight. At present, the rear of no. 74 at ground-floor level enjoys sunshine during mid-morning. By comparison, the proposed extension and privacy screen would block out all sunlight to the rear at ground-floor level during mid-morning.  
N.B. one representations included a sunlight impact assessment, which has been considered.
- It is accepted that the proposed privacy screen is intended to address issues with overlooking, but the introduction of this feature would significantly exacerbate issues with a loss of light when compared with the original proposed plans, and would result in increased reliance on electric lighting.

- There will be unacceptable over-looking, over-shadowing and over-bearing of the garden (N.B. the affected garden is not stated in the comment).
- Several second comments were received from individuals re-stating original concerns after plans were amended, some feeling that the proposed changes would exacerbate previously discussed issues.
- The privacy screen will block more light from entering no. 74, resulting in an unacceptable negative impact on quality of life.
- The introduction of the privacy screen will negate the benefit of sitting outside at no. 74.

### Other Issues

- Concerns that this application will set a precedent for similar future designs to be acceptable in the neighbourhood.
- Because neither the proposed rear extension nor raised terrace can be constructed by utilising Permitted Development Rights, there is no 'fall-back' position. As such, the application should be determined in accordance with the Council's adopted policies and the NPPF.
- Views from the dining room window at no. 74 will be blocked.

All the above issues will be explored in the assessment below. In addition the following issues have also been raised, but are unable to be taken into consideration, because they reflect issues or themes that are not material planning considerations (N.B. each issue is followed by the reason it cannot be factored into the planning process):

- The health and wellbeing of the householders at no. 74 Banner Cross Road. Such information has not been disclosed to planning officers by the individuals themselves.
- Lack of consultation by the applicant with neighbours is unreasonable. Statutory planning processes do not demand consultation to be undertaken by applicants. Responsibility for this aspect lies with the Local Planning Authority and separately with the applicant prior to construction under the Party Wall Act.
- Exposure to excessive noise and disruption at no. 74 as a consequence of the development at no. 72. Environmental Protection Regulations would cover noise nuisance and other effects to neighbours.
- The proposals would decrease the value of neighbouring property. This is an issue which is not able to be considered as a material planning concern.

## PLANNING ASSESSMENT

### Design

UDP policies BE5 and H14, and Core Strategy policy CS74, expect good quality design in keeping with the scale and character of the surrounding area. Good building design is also reflected in UDP policy BE5. Also relevant is the Supplementary Planning Guidance (SPG) on 'Designing House Extensions' which sets out design and privacy standards.

Whilst these policies and documents outline the requirements of development to meet high standards of design, it should be noted that this application proposes development that is solely at the rear of the dwelling. The proposals will not be visible from the street, only from the rear elevations and gardens of neighbouring properties.

The total length of the proposed development is 3.5 metres, measured from the existing rear elevation of the house. It comprises two distinct elements: a single-storey, ground-floor-level extension stretching the width of the rear elevation, projecting 1.575m adjacent to the boundary with no. 74; and a raised patio area projecting 1.925m from the rear elevation of the proposed extension. This raised patio, at 3.19m wide, is less wide than the extension and narrows slightly at a set of steps descending adjacent to the rear elevation of the extension. It is also set in, away from the boundary with no. 74, by 0.5m.

The privacy screen is proposed at a height of 1.8 metres measured from the floor level of the raised patio area. In dialogue between officers and the architect, this height was advised on the basis of a person's average height, in order to reduce the risk of over-looking to a reasonable level. It is considered that this feature of the proposals, in conjunction with the 0.5m gap between the raised patio area and the boundary with no. 74, is acceptable in this form.

This property, like some others nearby, has a rear bay window serving the dining room which may be a feature that can be considered characteristic of the period in which the dwelling was built. However, it is not located in a Conservation Area or an Area of Special Character and so, not being publicly visible, whilst unfortunate, it is not deemed to be harmful to the character and appearance of the dwelling or the locality if it is removed.

The mono-pitched roof of the proposed extension will be at a similar angle to that of the rear slope of the pitched roof to the main house, establishing a close link in design terms between the original house and the extension.

The proposed kitchen window opening will not align with the first-floor window above. However, it will closely mirror the equivalent window opening at the adjoining semi-detached property, as well as being visually similar to the first-floor bedroom window situated above right when no. 72 is viewed from the rear. The proposed bi-fold doors providing access from the extension onto the rear raised patio area will not fully align with the window above it, but are not expected to appear incongruous, particularly as they will be of a similar width to the width of the existing bay window. As none of the proposed development will be visible in the public realm, the misalignment of the proposed glazing is not considered to be severe enough from a design perspective to warrant a refusal of this planning application.

The proposed extension and raised patio area will for the most part be built of matching materials – in terms of the existing and proposed brick colour/type and uPVC windows (with the exception of the existing timber-framed bay window). Materials of a visually-similar nature to other features of the rear of the dwellinghouse are proposed for the remaining elements, such as the roof tiles. Although the timber privacy screen will introduce a new material into the palette, it is felt to be suitable for the intended purpose and design, and not out of character with the overall palette of materials.

### Amenity/Living Conditions

UDP policy H14 states that new development in housing areas should not cause harm to the amenities of existing residents. Core Strategy Policy CS74 requires new development to contribute to the creation of successful neighbourhoods. It is important to bear in mind that the impact of these proposals on the surrounding neighbourhood is likely to be minimal given the scale and that it is not visible in the public realm.

In relation to the existing footprint of the dwellinghouse and the generously-sized rear garden, the proposed extension can be considered to be relatively modest. It would leave over 20 metres to the back boundary from the rear elevation of the extension, ample garden space from the perspective of amenity.

### Overbearing Impact

Guideline 5 of the SPG 'Designing House Extensions' states that a single-storey extension built adjacent to another dwelling may not extend more than 3m beyond that other dwelling. The extension and privacy screen will form a staggered side elevation facing towards the garden of no. 74, and so the proposals in effect extend 3.5m in total from the rear elevation of the original house. However, the gap of 0.5m between the side elevation of the raised patio and the boundary goes some way to mitigate the impact on overbearing levels at the adjacent property.

There are no level differences between the application site and the adjoining dwelling at no. 74. Both sites do however exhibit the same level differences within their curtilages – with the land sloping away across the sites as distance from the highway increases – such that the ground-floor level at the rear of both dwellings is elevated above the 'natural ground level' of the rear gardens. No. 72 does not have a habitable lower-ground-floor level or any full-size openings in the rear elevation at lower-ground-floor level, and the same is true for no. 74. In any case, the presence of raised decking at no. 74 creates substantial over-shadowing and over-dominance to any accommodation or useable amenity space at lower-ground-floor level there. The area of proposed extension below ground floor level therefore has little or no impact upon the amenity of no. 74.

The main focus in assessing potential overbearing impacts of this proposal is therefore on the ground-floor level of no. 74.

The proposed single-storey rear extension will project 1.575m from the rear elevation of the dwelling. At present, the existing bay window has a maximum depth of

approximately 1.25m. As the rear bay window at no. 74 appears to be identical, it is estimated that the proposed extension would project an additional 0.27m beyond this bay window and along the boundary at no. 74. In this way, the proposed extension – the only element of the proposals that would be adjacent to the boundary – comfortably satisfies the maximum 3m projection of Guideline 5 of the SPG.

Guideline 5 also states that the maximum acceptable projection of a single-storey extension adjacent to a boundary could be reduced 'if there would be a large decrease in direct sunlight to a neighbouring dwelling'. The rear elevations of the application site and its semi-detached neighbour face north-east, so it is very likely that the proposed extension could reduce the amount of direct early morning sunlight reaching the adjacent room at no. 74. However, the orientation of these dwellings suggests that at present this room receives direct sunlight for some of the morning only, before the sun passes over the roof of the dwelling. Therefore, whilst a reduction in sunlight is unfortunate (as is a partial loss of a view), it is not felt that this anticipated reduction constitutes a 'large decrease' as stated in Guideline 5, and so it is not possible to countenance a refusal of this application on this basis.

Reference was made in one comment to the fact that the plans do not adhere to the 45 degree rule. Guideline 5 of the SPG demands that this rule be applied to two-storey extensions, or single-storey extensions where there are level differences between properties. This rule has not been applied in assessing this application and its amendments due to it being a single-storey extension in a location where the adjoining property is at the same level and again noting the presence of the deck at no 74 mitigating any impact on the lower ground level of that property.

The proposed design of the privacy screen closely resembles common fencing boundary treatments and so in many cases would be a typical feature along a boundary, often constructed under permitted development. It is acknowledged that this this could not be the case here given the level differences, however, given that it projects only 3.5m from the rear of the original dwelling, and that the neighbours decking at no 74, projects in the order of 2.15m, it is noted that the screen extends less than 1.5m beyond the edge of the deck at no 74. This level of projection and it being set in from the boundary by 0.5m means it will not have a significant overbearing impact upon the area below the deck at no.74, and will be have a similar or lesser impact than that of a typical boundary fence at deck level.

In summary, in combination the extension and raised patio area with privacy screen are not considered to result in an overbearing impact, or significant loss of sunlight and as such are considered to comply with SPG Guideline 5 and the aims of policy H14 of the UDP and para 127 of the NPPF.

## Privacy

Ensuring that minimum levels of privacy are maintained and protected for all neighbours as well as the applicants is essential. The distance between the north-eastern edge of the raised patio (not including the steps) and the boundary of the curtilage of no. 72 with no. 70 is approximately 4 metres. This is deemed to be adequate distance and not problematic in terms of privacy levels. The distance from the furthest edge of the raised patio area to the rear boundary of the curtilage of the

dwelling is approximately 22 metres, which is also not problematic from a privacy point of view and conforms to the standards of Guideline 6 of the SPG.

It is possible that when occupying the proposed raised patio area, views of the furthest half of no. 74's garden may be gleaned. For a property and garden of this size, priority must be given to the privacy of the portion of garden space closest to the rear elevation of the dwelling, and the rear elevation itself. It is considered that the proposed privacy screen achieves the maintenance and protection of minimum privacy levels for this area of the dwelling. In terms of gaining views towards the rear of the garden, this is considered no worse than the current view possible from the existing raised deck at no.74 or the rear first-floor windows at both dwellings – an accepted feature of semi-detached properties in many locations.

The side elevation of the proposed single-storey extension does not present any issues in terms of a loss of privacy as there are no windows or other openings proposed in the side elevation. At present, due to the design and configuration of the bay windows of these two properties and the current absence of privacy screening on the boundary at this height, it is possible to stand in one bay or, on the raised decking at no. 74, and look into the neighbouring bay with minimal obstruction. Therefore, from this perspective, the proposed extension can be considered to represent an improvement in privacy levels for both dwellings. As such this aspect of the scheme meets the aims of Guideline 6 of the SPG, policy H14 of the UDP and para 127 of the NPPF.

### Other Issues

Each planning application must be assessed on its own merits. Several examples of similar development to the rear of dwellings already exist in the locality, for example at nos. 92, 56 and 42. These do not set a precedent and if this application were to be granted, it would still remain that any future applications should be considered on their individual merits.

It is acknowledged that views from within the bay window or on the raised decking at no. 74 looking across the application site will be in part eliminated by the proposals. However, in planning terms, this view at present is felt to be 'borrowed' from no. 72 and the space immediately below and behind the existing rear elevation of no. 72 is not protected from over-looking. The views in other directions from the rear of no. 74 will not be affected by these proposals and are of a relatively high quality due to the amenity provided by mature trees and landscaping in the immediate vicinity.

### SUMMARY AND RECOMMENDATION

The proposed single-storey rear extension and rear raised patio is considered acceptable from a design and amenity perspective and would not detrimentally affect the character and appearance of the dwelling nor significantly harm neighbouring living conditions.

In summary, the proposal is considered to accord with the provisions of the Unitary Development Plan, adopted SPG guidance, the Core Strategy and the National

Planning Policy Framework. It is recommended that planning permission is granted conditionally.

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Case Number	19/01727/FUL (Formerly PP-07827772)
Application Type	Full Planning Application
Proposal	Change of use of retail shop (use class A1) to a micro pub (use class A4) including a retractable awning to shopfront and provision of a seating area
Location	D H Bowyer And Sons 4 Brooklands Avenue Sheffield S10 4GA
Date Received	15/05/2019
Team	West and North
Applicant/Agent	Mr James Eardley
Recommendation	Grant Conditionally

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

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

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

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

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

Red / Blue line site location plan  
Proposed Layout  
Proposed Front Elevation (Amended received 18.8.19)  
Proposed Side Elevation (Amended received 15.8.19)

Reason: In order to define the permission.

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

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

3. Before the use is commenced, full details of suitable inclusive access and facilities for disabled people to enter the building's main entrance shall have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the portable ramp and means to summon assistance from the kerbside. The approved inclusive access and facilities shall have been provided in accordance with the approved details before the building is brought into use. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

4. 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.

### **Other Compliance Conditions**

5. No customer shall be permitted to be on the premises outside the following times: 11.30 -2300 on any day with the exception of New Years Eve when no customer shall be permitted to be on the premise outside 11.30 and 01.00 the following day.

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

6. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2000 on Mondays to Saturdays and between the hours of 0900 to 2000 on Sundays and Public Holidays.

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

7. 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 2000 Mondays to Saturdays and between the hours of 0900 to 2000 on Sundays and Public Holidays.

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

8. No amplified sound or live music shall be played within the commercial use hereby permitted, nor shall loudspeakers be fixed internally or 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 properties.

9. The retractable awning shall be installed as per the specification detailed in the design and access statement and accompanying photograph, unless alternative details have first been submitted to and approved in writing by the Local Planning Authority. The canopy shall be installed in accordance with the approved detail.

Reason: In the interests of the visual 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.

# Site Location



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## LOCATION AND PROPOSAL

The application site consists of a vacant split level A1 retail unit situated within the Brooklands Avenue Local Shopping Centre. The applicant is seeking consent to use the premises as a public house (Use Class A4). In addition, small/ancillary proportion of the business would be retail, with speciality ale being available to purchase for consumption off site.

There is a small sloped forecourt to the front between the building and the highway. The applicant seeks to use this as a seating area with fixed furniture. A retractable awning is proposed projecting from the building.

The site is towards the edge of the commercial area. There are commercial premises alongside the site, however directly opposite are residential properties with the houses being a distance of approximately 19 metres from the site. Gardens associated with residential properties to the west are 15 metres from the site. Residential properties also exist above some of the two storey commercial properties on the opposite side of the road.

## RELEVANT PLANNING HISTORY

19/01728/ADV A tandem application is currently being considered for the installation of 1x externally illuminated fascia.

## SUMMARY OF REPRESENTATIONS

67 letters of representation have been received following publicity on the application. These consist of 59 letters of support, 7 letters of objection and 1 neutral comment from a Councillor.

In some cases more than 2 letters of representation have been submitted from the same address be it through different occupants commenting or duplication. This is summarised as (8 letters of support from 4 addresses and 2 letters of objection from 1 address)

The points raised through representation are summarised below;

Objection:

Amenity Issues;

-Noise and disturbance audible from within residential property and gardens, particularly from use of outdoor seating area and at closing time of the pub.

-Noise associated with the pub would cause sleep disturbance especially in summer when windows are open and there is more use likely of the outdoor seating area.

-Last orders at 11pm would mean people leaving the site well after 11.30pm. Other uses in the area have ceased by 11 pm.

- Concern about antisocial behaviour arising following consumption of alcohol.
- The outdoor seating could become the focus of groups congregating outside the operating hours of the pub, creating further noise nuisance.
- Public health issues arising from people smoking outside -The scheme contravenes Sheffield City Council Core Strategy Policy 2.17 –“to design environments that promote safety, health and a sense of well being for all”

-Loss of privacy

-Concern about litter

-Concern about use of garden wall for smoking

Highway Safety Concerns;

-Congestion

-Antisocial parking due to insufficient parking capacity affecting access to property

-Difficulties for people accessing shops

-Concern about deliveries to pub causing highway problems

Other Issues;

-Other pubs are close by, there is no need for this.

-Adverse impact on house prices

-The scheme would contravene a bye law that designates Fulwood as being a dry parish

-Observation is made that comments are being received from people not living in the immediate area

-Observation is made that multiple comments are being received from people living at the same address

Support;

-Welcome this amenity as it would add value to the area

-The development would improve community feel and create a meeting / focal point

-Sound proofing could overcome noise concerns, the venue is small and could not accommodate large groups

- There are other examples of pubs and small bars that operate successfully in residential areas eg S10 Wine Bar (Ranmoor), The Highcliffe (Greystones), the Rising Sun ( Nether Green), precedent is well established
- Similar establishments have a curfew at 9pm for outdoor seating
- Lack of this type of business in the area
- The business would enhance the shopping area which is deteriorating and help other businesses.
- The addition would make the area more desirable and increase property prices.
- Would like to see no music licence granted
- Antisocial behaviour would be unlikely to be a problem given the local demographic/ other micropubs are not rowdy or noisy outside (Broomhill)
- Other late night uses exist in the area
- There is ample parking, especially in the evenings

A neutral comment has been received from Councillor Woodcraft, raising the following points:

The provision of a community amenity is welcomed, however there is concern from local residents regarding potential problems with late night noise from the external seating area from clients and also non customers later at night if the seats are left out.

Suggestion is made that the seating could be conditioned to be put out only during operating hours.

If there are then any problems with clients of the pub causing noise, this could be addressed via the licensing service.

## PLANNING ASSESSMENT

### 1. Land Use

UDP Policy S7 (Development in District and Local Shopping Centres) states that although shops (A1) are preferred, acceptable uses within these centres also include food and drinking outlets (A3). Therefore, it is confirmed that the proposed use is acceptable, in principle, subject to other material considerations being addressed and accepted.

### 2. Dominance

Section a) within Policy S10 (Conditions on Development in Shopping Areas) within the UDP states that in such areas new development should not lead to a

concentration of uses which would prejudice the dominance of preferred uses in the area. Dominance in this case would be defined as 50% of ground floor units within the existing centre. As the existing premises has most recently been in A1 use, it must be ensured that the dominance of A1 uses is not prejudiced.

There are 14 premises in the Local Shopping Area as defined on the UDP proposals map of these, 3 premises are residential at the edge of the centre and are clearly an anomaly given the continued residential character beyond the defined shopping area. One premises is an electric substantial and is not counted as being a premises providing a role within the shopping area. This are discounted from this assessment.

Of the 10 premises of relevance to this assessment 9 are currently in A1 use or are vacant A1 premises. Following the implementation of the scheme this would be taken down to 8 out of the 10. It is also noted that there has been a recent prior approval application involving the loss of an A1 unit, if this were to be implemented the A1 use would fall to 70 %, well above the policy criteria outlined above. Therefore, it is concluded that the proposal complies with Policy S10 (a).

A new use for a vacant premises is welcomed and will enhance the offering of the shopping parade as well as having visual benefit. In addition it is considered that the new use would have community value.

### 3. Amenity Issues

Section b) within Policy S10 (Conditions on Development in Shopping Areas) within the UDP states that new development should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

The applicant seeks to open the premises between 11:30 hours and 23:00 hours with extended hours of operation on new year's eve where opening until 01 00 is proposed. The premises is at the edge of the commercial area. Within this area there are other later evening uses. The next door hot food take away operates until 23:00 hours and the Coop operates until 22:00 hours.

The premises is small scale which limits the amount of customers being able to attend at any one time. Due to this small scale and distance of residential properties from the building, there would not be significant disamenity arising from noise within the building, this is also controlled through planning conditions around noise breakout.

The proposals include a small outdoor seating area. The plans show 4 benches on the forecourt. The retractable awing would provide some shelter which has the potential to increase the scope of use of this area in different weathers. The applicant has put forward that they would be willing to cease use of this area at 21.00 and keep the door to the pub shut, rather than propped open beyond this time.

The character of the area to the south and west of the site is residential with family housing. The houses directly opposite have living rooms and bedroom windows facing the site. Properties to the west/south west have their gardens facing towards

the site. The bench style outdoor seating has the potential to accommodate an estimated 16 + people at any one time.

Officers consider that the noise generation associated with this area has the potential to cause unacceptable disturbance at a time where residents and families would be expecting quieter noise levels. For this reason a condition is recommended to cease the use of the extremal area at 19:00 hours to strike the correct balance.

The applicant is unhappy with this condition and draws reference to the hours of outside use at other pubs and refers to another business he operates at Ecclesall Road which allows external seating to be used until 21:00 hours. The character of Ecclesall Road is however different to the application site where there are a larger number of night time uses and activity and the road is busier which raising background noise levels.

The applicant refers to other premises that are put forward as operating late hours without similar restrictions, with residential premises in close proximity. The applicant points to;

- Rising Sun Inn, Fulwood Road, S10 3QA . -
- The Bull's Head, Fulwood Road, Ranmoor, S10 3GD
- West 10, Fulwood Road, Ranmoor S10 3GD –
- The Ranmoor Inn, Fulwood Road, Ranmoor S10 3GD -.

These venues are well established and are likely to have had outdoor drinking being part and parcel of their long term use and therefore not subject to separate control through planning conditions limiting use.

The exception is the Bulls Head, which was restricted to 21:00 hours in 2005. Whilst there are residential properties directly next door, a direct comparison cannot be made as sites differ. In this instance Fulwood Road is busier than the application site and therefore background noise levels differ.

The removal of the outdoor seating after 19:00 hours has been explored with the applicant, however the size of the premises prohibits storage of this and the nature of the seating is such that it would not be practical for a staff member to move. The applicant details that use of the benches out of hours is not an issue at his other premises on Ecclesall Road.

The limitations of the size of the premises is noted. The condition restricting the hours of use of the seating would adequately control use by customers. The seating would be on a private forecourt and separate legislation exists to address antisocial behaviour by non-customers associated with the presence of this seating, if this was to occur.

Some noise and disturbance could arise when customers leave the premises after closing time. This would be later than the existing uses in the precinct. The noise generation would not be significant due to the capacity of the venue and would not arise to the extent that refusal could be justified on this basis given the property is

within a Local Shopping Centre in which this type of use is considered acceptable in principal.

In order to further minimise noise and disturbance to adjacent occupiers conditions are proposed to limit the hours of deliveries and movement, sorting and removal of waste outside and to prevent amplified sound or live music and loudspeakers externally or internally.

The submitted information details that there will be no cooking odour and associated noise generated on site as bar snacks would consist of pork pies, pickles, nuts and crisps. The applicant plans to make use of existing air conditioning units. A condition it to be attached to control the specification of any new units in terms of noise generation.

The premises is sufficient distance from neighbouring property so that unacceptable loss of privacy would not arise through the proposed use.

The nature of the canopy is such that it would not cause significant amenity implications given the nature of the properties either side.

With the imposition of planning conditions the proposal is considered to be acceptable from an amenity perspective and is compatible with the expectations of Policy S10.

#### 4. Design

Section (d) within UDP Policy S10 (Conditions on Development in Shopping Areas) states development should be well designed and of a scale and nature appropriate to the site. UDP Policy BE5 also seeks to promote good design as does Core Strategy Policy CS74. Minimal external alteration is proposed. An electric, black retractable sun awning is proposed to extend from the shop frontage. This is shown to be mounted below the fascia sign so would not appear obtrusive in terms of it's profile when not extended. The awning is detailed to project 2 metres from the shop frontage when extended. The applicant has submitted a photograph of the awning on his premises at Ecclesall Road to indicate the appearance. This would be acceptable in terms of appearance. A condition will be attached to ensure the canopy is installed in accordance with approved details. Other works involve the repair and repainting of the frontage. The plans show 4 external benches to the frontage. These would remain outside at all times.

The scheme would bring back a vacant premises into use which would enhance the appearance of the area which would be of benefit.

The resulting design and appearance of the premises would be acceptable and compliant with the above mentioned policies.

#### 5. Inclusive Access

UDP Policy BE7 (Design of Buildings Used by the Public) states that in all buildings used by the public, provision will be expected to allow people with disabilities safe and easy access to the building and appropriate parking spaces.

The shop is elevated above the highway with there being a step up both to the forecourt and then into the shop. The existing door width is appropriate to allow for inclusive access. There is an existing handrail which is shown to be retained. The gradient of the slope and nature of the frontage does not lend itself to achieving ramped access at a suitable gradient. The applicant proposes to use a portable ramp. The applicant has agreed to providing means of summoning assistance from the pavement. There is no scope for accessible parking given the nature of the site. Details of these measures to aid inclusive access will be controlled by condition.

## 6. Highway Issues

Section f) within Policy S10 (Conditions on Development in Shopping Areas) within the UDP states that new development should be adequately served by transport facilities and provide safe access to the highway network and appropriate off street parking and not endanger pedestrians.

The Local Shopping Centre is serviced by public transport and there is on street parking available in the immediate locality. It is also anticipated that the site would be frequented by people living in the local area by foot.

The accessibility of the premises and its size and nature would not generate significant parking demand, congestion or vehicle movements.

The bin storage is proposed to the rear on land within the ownership of the landlord. It is understood that similar arrangements existed for the previous use. Overall the scheme would have a neutral impact on highway safety.

## RESPONSE TO REPRESENTATIONS

Many of the issues raised through representation have been discussed above. Issues not addressed are discussed below;

Observation is made that comments are being received from people not living in the immediate area - The origin of the letters of representation have been noted and appropriate weight has been given to comments in light of this. It is noted that the letters of objection come from properties in close proximity to the site.

Concern is raised regarding the health implications arising from people smoking outside the premises. The premises is small scale and this matter could justify any intervention through the planning system.

Concern has been raised regarding antisocial issues following alcohol consumption. Antisocial behaviour can be addressed via separate legislation if it did occur.

The nature of the use would not be associated with significant litter production.

Concern is raised regarding use of neighbour's walls for smoking. This would be a private issue.

The following comments are considered to be non-planning issues;

-Other pubs are close by, there is no need for another.

-Impact on house prices.

-The scheme would contravene a bye law that designates Fulwood as being a dry parish

## SUMMARY AND RECOMMENDATION

The use of the premises as a micropub is acceptable in principle and does not prejudice the role of the Local Shopping Centre in terms of dominance. Whilst there are some concerns about the proximity of the site to residential properties and potential for disamenity in particular through noise disturbance, these concerns can be adequately addressed by conditions. Controlling hours of use especially the outdoor seating area is important.

The proposal would bring a vacant premises back into use and enhance the appearance and the offering within the Local Shopping Area.

The scheme does not pose significant highway safety implications.

It is concluded that the scheme is compliant with policies S10, BE7 and BE5 of the UDP and Policy CS74 of the Core Strategy. For these reasons approval is recommended.

Recommendation: Grant Conditionally.

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Case Number	19/00902/LBC
Application Type	Listed Building Consent Application
Proposal	Park Hill Phase 4 - Refurbishment of Duke Street tower block for a mixed-use development comprising of 95 residential units, education space, artist studios, flexible workspaces, temporary artist accommodations and heritage flats, and an extension to form a new purpose-built art gallery with ancillary shop and cafe, landscaping, car parking and associated works (use classes B1, C1, C3 and D1)
Location	Park Hill Estate Duke Street Park Hill Sheffield S2 5RQ
Date Received	12/03/2019
Team	City Centre and East
Applicant/Agent	Carmody Groarke
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 Planning (Listed Buildings and Conservation Areas) Regulations 1990.

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

2. The development must be carried out in complete accordance with the drawings contained within the Drawing Issue Sheet (Project Name: Park Hill Art Space) produced by Carmody Groarke and dated 15/8/2019.

Reason: In order to define the permission.

## **Pre-Commencement Condition(s)**

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

3. 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.

4. Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Doors and door surrounds  
Windows (including reveals)  
Balconies and balustrades  
Link between gallery extension and existing building  
Hague Row infill panels  
Parapets, eaves and verges

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

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

5. A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority before any masonry works commence and shall be retained for verification purposes until the completion of such works.

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

6. Details, including samples, of the extent and specification of brick and concrete repair, cleaning and treatment shall be submitted to and approved by the Local Planning Authority prior to the commencement of those works and shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the fabric of the building is not damaged.

7. The design and location of all new internal and external light fittings shall be approved in writing by the Local Planning Authority before that part of the development commences. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to protect the character of the original building.

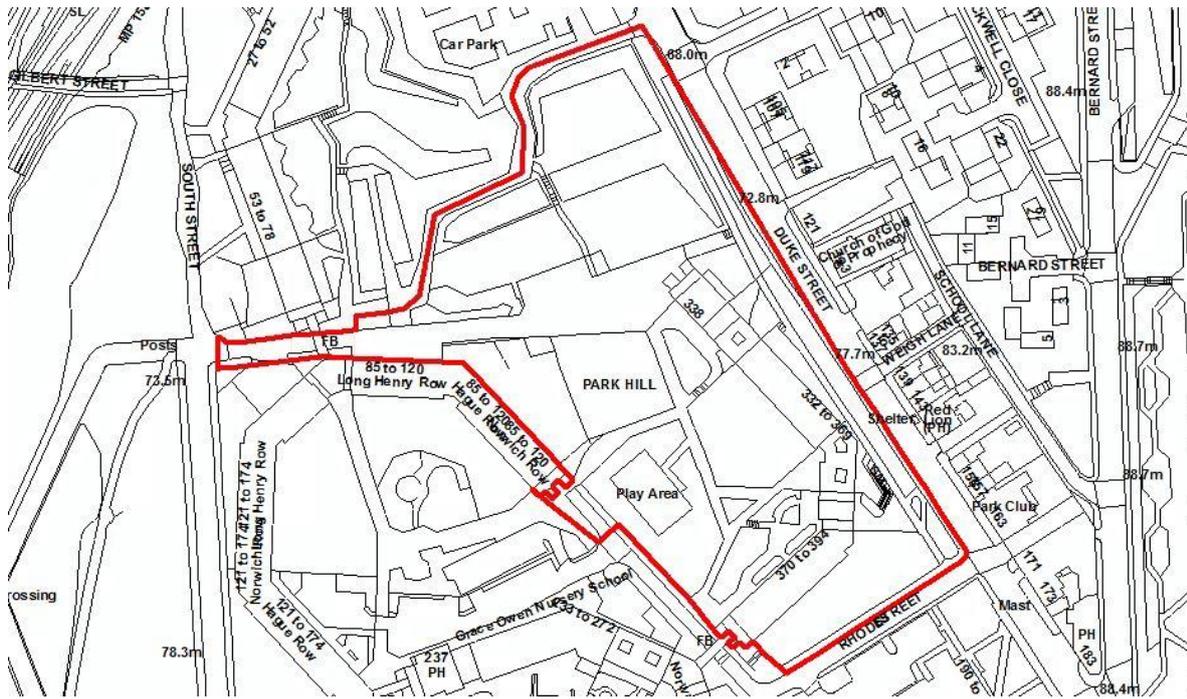
8. Details of the location, specification and appearance of all new services to the building (including meter boxes, outlets and inlets for gas, electricity,

telephones, security systems, cabling, trunking, soil and vent stacks, fresh and foul water supply and runs, heating, air conditioning, ventilation, extract and odour control equipment, pipe runs and internal and external ducting) shall be approved in writing by the Local Planning Authority before installation.

Reason: In order to protect the character of the original building.

### **Other Compliance Conditions**

# Site Location



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## INTRODUCTION

This is a joint report for planning application reference 19/00523/FUL and Listed Building Application 19/00902/LBC.

Members may recall that outline planning permission for the comprehensive redevelopment of the Park Hill estate was approved at Planning Committee in August 2006 (06/00848/OUT). This approved the redevelopment of Park Hill to provide up to 874 refurbished flats across the whole of the existing grade II\* listed complex, together with a total of 13,761sq.m of various non-residential floorspace (A1, A2, A3, A4, A5, B1 and D1) in refurbished and new-build spaces. A number of matters were reserved by condition including details of design, external appearance, access and landscaping.

The 2006 outline consent was subsequently varied three times as follows: 07/01962/OUT, to allow phasing of the development; 08/02793/OUT, to allow phased car-parking provision; and 12/01758/OUT, to defer some of the landscaping and highway works to Phases 2 and later.

A reserved matters application for Phase 1 (07/02476/REM) was approved at Committee in October 2007. However, as a result of market changes, the designs for Phase 1 evolved and an amended reserved matters application was approved in December 2011 (11/02801/REM). This consent – which included a reduction in apartment numbers from 321 units to 263 units and a deferral in the provision of the multi-storey car park to a later phase – represents the as-built designs for Phase 1, which was completed in March 2016.

The reserved matters application for Phase 2 was approved at committee in December 2017. It granted consent for the refurbishment of the horseshoe-shaped block situated in the centre of the site to provide 199 residential units (Use Class C3) and 1,963sqm commercial space (A1, A2, A3, A4, B1, D1 & D2 uses), landscaping, car parking and associated works. Work on Phase 2 has just begun.

In a departure from the consented outline scheme, planning permission and listed building consent were granted for the refurbishment of the Phase 3 block at the southern end of the site to provide student accommodation with some commercial space at ground floor level. Work on Phase 3 is well underway.

In a further departure from the consented outline scheme, planning permission and listed building consent are now sought for the refurbishment of the Duke Street tower block at the eastern end of the estate for use as 95 residential units, education space, artist studios, flexible workspaces, temporary artist accommodations and heritage flats, plus an extension to form a new purpose-built art gallery with ancillary shop and cafe (use classes C1, C3, B1 and D1).

The applications will not be subject to referral to the Secretary of State as they do not involve the demolition of the principal building, the demolition of a principal external wall of the principal building, or the demolition of all or a substantial part of the interior of the principal building.

## LOCATION AND PROPOSAL

The application site is located within the Park Hill estate to the east of the city centre. The estate covers approximately 32 acres and comprises of four principal blocks that vary in scale from four to thirteen storeys. It is bound by Anson Street and the Park Square roundabout to the north, Duke Street to the east, Talbot Street to the south and South Street to the west. Beyond South Street is the Sheaf Valley Park which leads down to the Railway Station in the valley bottom. To the north-east and south-east surrounding areas are predominantly residential in character.

Park Hill was built between 1957 and 1961 by the Corporation of Sheffield. This prominent grade II\* listed brutalist structure is now the largest listed building in Europe. A characteristic feature of Park Hill are the deck access 'streets in the sky' that link all four main blocks with walkways wide enough to accommodate a milk float. The decks, which were intended to replicate the close community of a terraced street, occur at every third level and all front doors lead onto these. The four blocks are served by 13 passenger lifts and two large goods' lifts.

Flats and maisonettes were designed around a three-bay, three storey unit system comprising of a one bed and a two bed flat below deck level and a three bed maisonette on and above the deck level. The rigid grid of flats and maisonettes ensured that kitchens and bathrooms were stacked in pairs to facilitate servicing. Lifts, stairs, pubs and laundries were set at nodal points. The structure was infilled with brickwork and full-height timber windows. Each of the three storey bands has a different brickwork colour (one per street) which gets lighter towards the top.

The current applications relate to Phase 4, the fourth of the five redevelopment phases of Park Hill. Phase 4 is located at the eastern end of the estate, bound by Duke Street to the east and Rhodes Street to the south. This eastern block comprises of a 7 to 9 storey building with 3 flanks. It maintains the continuous horizontal roofline which is characteristic of the wider estate.

As amended, the proposed development comprises of external and internal alterations to the building for use as 95 residential units, temporary artist accommodation, heritage flats (for short term rent), artist studios, education space and flexible workspaces as well as an extension at the north-western end of the range to form a new purpose-built art gallery. The proposals also include provision for landscaping and car parking. Proposals for an auditorium within the listed building were omitted.

## RELEVANT PLANNING HISTORY

06/00848/OUT      In August 2006, the refurbishment and partial redevelopment of the Park Hill Estate to provide residential accommodation (Use Class C3), multi-storey car park, landscaping, new vehicular and pedestrian access routes and A1, A2, A3, A5, B1 and D1 uses, was granted outline planning consent.

06/00849/LBC	In September 2006 listed building consent was granted for the removal of buildings and structures within the curtilage of Park Hill Flats.
07/01962/OUT	In July 2007, the refurbishment and partial redevelopment of the Park Hill Estate to provide residential accommodation (Use Class C3), multi-storey car park, landscaping, new vehicular and pedestrian access routes and A1, A2, A3, A5, B1 and D1 uses (application under Section 73 to vary condition no.1 imposed by 06/00848/OUT (to allow for the phased development of the site)) was approved.
07/02476/REM & 07/02475/LBC	Partial demolitions, refurbishment and reconfiguration of existing flats, erection of multi-storey car park with ancillary A1 (retail), A3 (cafes/restaurants), A4 (bars), A5 (takeaways), D1 (health/education) and B1 (offices) uses and landscaping (Reserved matters in accordance with 06/00848/OUT) were approved in October 2007.
08/02793/OUT	In October 2008, an application to vary condition 7 (details of multi-storey car park) and condition 12 (car parking strategy) of application no. 06/00848/OUT (Application under Section 73) was approved.
11/02801/REM & 11/03197/LBC	Partial demolitions, refurbishment and reconfiguration of existing flats, erection of multi-storey car park with ancillary A1 (retail), A2 (financial and professional) A3 (cafes/restaurants), A4 (bars), A5 (takeaways), D1 (health/education), ancillary gymnasium (D2) and B1 (offices) uses and landscaping (Revised Reserved Matters in relation to Phase 1 in accordance with 06/00848/OUT) were approved in December 2011.
12/01758/OUT	An application to allow landscaping, the creation of public access routes and highways improvement works to be delayed until Phase 2 of the development (Application under section 73 to vary condition 9 (landscaping and access) and condition 10 (highways improvements) of planning permission ref. 06/00848/OUT (Refurbishment and partial redevelopment of the Park Hill Estate)) was approved in September 2012.
12/01800/REM	An application to allow highways improvement works to be delayed until Phase 2 of the development (Application under section 73 to vary condition 5 (highways improvements) of planning permission ref. 07/02476/REM (Refurbishment and partial redevelopment of the Park Hill Estate)) was also approved in September 2012.
17/03486/REM & 17/03686/LBC	In December 2017 consent was granted for the refurbishment of the central block to provide 199 residential units (Use Class C3) and 1,963sqm commercial space (A1, A2,

A3, A4, B1, D1 and D2 uses), landscaping, car parking and associated works. Application to approve details in relation to design, external appearance, access and landscaping matters reserved by 06/00848/OUT, 07/01962/OUT, 08/02793/OUT and 12/01758/OUT.

- 18/01699/FUL & 18/01700/LBC In July 2018, planning permission and listed building consent were granted for external and internal alterations to the southern block (Phase 3) for use as student accommodation (sui generis), including use of part of the ground floor as Use Classes A1, A2, A3, A4 and/or D2, erection of cycle store and provision of landscaping, car parking and service areas, a sub-station and boundary treatments.
- 19/00548/NMA & 19/00556/LBC In March 2019 an NMA and listed building consent were granted to allow alterations to the approved shared bathroom arrangements in Phase 3 in order to provide en-suite bathrooms.
- 19/00302/REM In May 2019 consent was granted under Section 73 of the Planning Act to allow amendments to the wording of condition 7 of 17/03486/REM (internal subdivision of commercial unit).

## SUMMARY OF REPRESENTATIONS

Comments were received from 9 local residents with a little over half raising objections and the remainder raising neutral or supportive comments.

Those concerns raised by objectors include:

- The loss of trees along the perimeter of the site, which make an important contribution the streetscape.
- The replacement of an outdoor amenity area and other green spaces with car parking.
- Allowing vehicular access through the car parks to connect Duke Street and South Street is a safety concern, will impact on residential amenities and is likely to be abused by rat runners.
- Giving priority to car parking spaces and cars when the site is so close to the city centre and good public transport links.
- There are insufficient dedicated car-share parking spaces and electric charging points.
- Pay and display parking places should be reduced in order to discourage commuter parking and because spaces are not always available for residents.
- There is no provision for affordable housing in the newer phases.
- Little consideration has been given to reducing the environmental impact of the development. There are no proposals for solar panels or wind turbines which could be used to power common area lighting, while a green roof or wall would reduce the building's energy needs and air pollution.

Other comments include:

- Overall the scheme is to be welcomed - a high level of design which will have a transformative impact on both the local area and the wider city attracting new visitors and long term economic benefits.
- The orientation of the main entrance to the gallery on Duke Street will bring new life to Duke Street and improve connections for residents on that side of Park Hill.
- The suggested street furniture and landscaping on Duke Street will enhance the area and the ability of coaches to drop off and pick up in front of the main entrance makes more sense.
- Having been protective of our green spaces, many of my neighbours have been finding it difficult to park so on balance perhaps no objection to the proposed new spaces so long as they can return to lawns in the future.

In addition, Cllr Terry Fox raised concerns about the level of car parking which he considered to be light in relation to the scale of the proposals.

The following statutory consultations were received:

#### Historic England

Historic England considers the design of the proposed gallery to be of a very high quality which responds successfully to the bold architecture of Park Hill and which offers new opportunities for interacting with and viewing the original building and landscape. They consider that the demolition of the existing garages will cause some harm to the significance of the site through the loss of an original component of its Masterplan, but that this harm is justified in order to facilitate the construction of the proposed gallery.

While there will be some loss of fabric and historic layout within the 'flanks' of the original building to create the lobby space and artists' studios, these interventions follow the philosophy established in earlier phases and so Historic England are comfortable with the principle of this aspect of the proposals. They also welcome the proposal to retain and reuse the booths from the former pub (The Link) within the new atrium space and consider the proposal to retain two flats in their original configuration with an element of interpretation for visitors to be a beneficial aspect of the scheme.

There are some aspects of the proposals which Historic England consider have the potential to have a greater impact on the significance of the building and about which they initially raised concerns. These included the proposed alterations to the fenestration patterns for the artists' studios, which they felt ran counter to the existing lively arrangement of fenestration which is a key component of the significance of Park Hill (the so-called 'uniform irregularity'), the proposal to infill the Hague Row street/deck, and the potential location for the auditorium. They felt that the proposals for Hague Row and the auditorium would be harmful to the architectural composition and illustrative value of the original design and, in the case of the infilling of Hague Row, were unsure what the justification for this proposal is, and recommend alternatives are explored.

We also have concerns that the elevation treatment of the artists' studios will lead to a repetitive pattern with a horizontal emphasis, which runs counter to the existing lively arrangement of fenestration which is a key component of the significance of Park Hill (the so-called "uniform irregularity"). The impact would be greatest on the south elevation of the northern wing (Flank R), where the existing depth and pattern of balconies and windows on levels 6 and 7 would be diminished by the application of a standardised window form and reduced depth of reveal.

Following further negotiations the auditorium was omitted from the scheme (it will possibly form the basis of a standalone application at a later date). The design of the artists' studio windows was amended to reflect the pattern of existing fenestration and the infilling of Hague Row was amended from a solid infill to moveable/openable screens.

On this basis Historic England raised no objections to the proposals.

#### Twentieth Century Society

The Twentieth Century Society considers the design of the proposed gallery extension to be well-considered and respectful to the architectural and historic significance of the surrounding estate, in a position that makes best use of the slope of the site to minimise visual dominance and while the scale of the building and its green roof work to retain a sense of openness to the landscaped areas. The Society are pleased to see the inclusion of a recessed gap at the connection between the gallery and the lower floor of Hague Row as this will help the new extension to be read as distinct from the listed building.

The Society welcome the refurbishment of the residential areas and are particularly pleased to see the high level of conservation of original fabric and that the retention of access via the 'streets' has been maintained from Phase 2. They recognise that some alterations will be necessary for the conversion of former residential and retail units to artists' studios and other ancillary spaces for the art gallery and consider this level of change to have minimal impact on the significance of the listed building.

The one reservation the Society has concerns the proposed use of a hydrophilic coating for the original concrete elements, including the H-frame, as such coatings can mask the fair-faced finish of the concrete, obscuring patina and textural detail. They also age and weather differently to exposed concrete, and are difficult to remove without leaving traces on the surface's original finish (as can be seen on previous trial coatings carried out in the early 2000s). The Society recommend further investigation into concrete repair and protection is undertaken and for a detailed concrete repair plan to be conditioned if the applications are approved.

#### Sheffield Conservation Advisory Group

At their meeting on 16<sup>th</sup> April the Group welcomed the stated aim of the scheme to retain Park Hill as a symbol of Sheffield. They considered that the vertical re-alignment of part of the accommodation should be carried out carefully and only for operational reasons and that the 'streets in the sky' aspect of the building, for which

Park Hill is known, should not be lost. They expressed concern that, if the development is not handled correctly, Park Hill might no longer represent its original concept.

The Group welcomed the proposal to retain certain flats in the original '1960s' style. They considered that the new art gallery, which it welcomed, would create a different prospect in terms of its height and again should be treated carefully. The Group felt that the proposed junction with the existing building was clumsy and felt it would be preferable if the junction was broken with a glass or covered link. The Group welcomed the proposed green roof as an attempt to minimize the visual impact from above.

## PLANNING ASSESSMENT

### Land Use

The Park Hill estate lies within a designated Housing Area as defined in the Unitary Development Plan (UDP). Policy H10 of the UDP (Development in Housing Areas) describes housing (use class C3) as the preferred use of land while small shops (A1), food and drink outlets, business (B1) and community facilities and institutions (D1) are all described as acceptable, though it warns that large scale facilities are less likely to be compatible with residential neighbourhoods.

Re-use of the upper floors as residential accommodation is welcome and brings the majority of the building back into its original use, while the heritage apartments will provide an interesting insight into post war social housing.

The proposed art gallery and studio accommodation will be run by S1 Artspace and forms part of their wider strategic plans to improve infrastructure for art, culture and heritage in Sheffield, South Yorkshire and the wider North. It lies in very close proximity to the city centre and is only a short walk from the railway station. Moreover, the Park Hill estate originally included residential accommodation alongside commercial and leisure uses and well as generous open spaces. This character, along with the building's iconic listed status, is considered to make it a suitable location for the proposed art gallery. The proposed shop and café uses will remain ancillary to the gallery use. The proposed development is therefore considered to be acceptable in principle.

### Design and Impact on Heritage Assets

The National Planning Policy Framework (NPPF) advises that good design is a key aspect of sustainable development, that it creates better places in which to live and work and helps make development acceptable to communities (para. 124).

Policy BE5 of the UDP (Building Design and Siting) advises that good design and the use of good quality materials will be expected in all new developments while policy CS74 of the Core Strategy (Design Principles) advises that high-quality development is expected which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

In relation to the buildings listed status, chapter 16 of the NPPF (Conserving and enhancing the historic environment) sets out the Government's policies for the historic environment. Paragraph 193 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 ... 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' 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' (para. 196).

A similar duty is required by Section 66 of the Planning (Listed Building Conservation Areas) Act 1990, which states that 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.'

Policy BE15 of the UDP (Areas and Buildings of Special Architectural and Historic Interest) advises that buildings and areas of special architectural or historic interest will be preserved or enhanced and development that would harm their character or appearance will not be permitted. Similarly, policy BE19 (Development Affecting Listed Buildings) expects proposals for internal or external alterations, which would affect the special interest of a listed building, to preserve the character and appearance of the building and, where appropriate, to preserve or repair original details and features of interest.

The approach to refurbishing the upper floors of the block for use as apartments follows that approved for Phase 2, a light touch based on retaining and repairing (where required) the concrete frame, brickwork, and party walls, retaining the full width of the 'streets in the sky', and applying colour in a restrained manner. The concrete balustrades will be replaced and a new timber handrail introduced at a slightly lower height to improve views out of the apartments. All the existing windows will be replaced with double glazed aluminium units and sliding glass doors to the balconies. The pattern of the proposed windows picks up on the vertical rhythm of the existing windows, but removes the multiple horizontal transoms to create large, full height contemporary openings. This approach is again supported.

At the lower levels, a large extension at the northern end of the Duke Street block, connected to the western façade and occupying space currently housing garages, will create a new gallery space. The proposed gallery is a distinct structure, finished in textured brick and cast concrete (the predominant materials at Park Hill), with its main entrance located along the existing east-west desire line from Duke Street down to Sheaf Square. It reads as a series of five interconnected flat roofed volumes of one and two storeys in height which, together, form a more civic sized whole. The extension projects into the rising land such that the green roofs become part of the surrounding landscape. Simple large format windows provide views in and out of the building to enhance the visual connection with the Park Hill estate. The extension is considered to respond well to its immediate setting, minimising

impact on the form of the original building and providing a real sense of arrival when approached from South Street.

The area formerly occupied by the 'Link' pub will form part of the gallery's ancillary facilities, including the shop, café and reception area, while ten artists' studios will occupy much of the remainder of the ground floor, addressing the current lack of such space in Sheffield. The studios will have direct access to outside and some will feature double height spaces to accommodate large pieces of artwork. Temporary accommodation for visiting artists will be situated on the half deck of the second floor.

Internally, spaces are all designed to be flexible but are again treated with a light touch in order to retain the character of the original building. The concrete finishes of the original building will be revealed as far as possible.

The architectural significance of Park Hill and its place in British housing design was recognised in 1998 when it received grade II\* listed building status.

As noted by Historic England, the demolition of the garages will cause some harm to the significance of the site but the harm caused is considered to be minimal and justified in order to facilitate the construction of the proposed gallery. There were aspects of the initial proposals which were considered to have the potential to impact more greatly on the significance of the building. These included the proposed alterations to the fenestration patterns for the artists' studios, the proposal to infill part of the Hague Row street/deck on the Duke Street elevation, and the introduction of an auditorium. However, the studio windows have been amended to more closely reflect the pattern of the existing fenestration and the auditorium was removed in its entirety.

The deck access 'streets in the sky' are one of the defining features of Park Hill. The 3 metre wide covered walkways were positioned on every third floor and allow access to maisonettes at deck level and to the flats below deck (the streets, or 'Rows', were named after the original streets of slum housing which the estate replaced). The infilling of part of Hague Row on the block's Duke Street elevation to create more internal communal space was initially proposed in brick but it was felt that the solidity of this treatment would eradicate all reference to the street in this location. Instead, lightweight metal panels are now proposed, which will be openable in places so that the essence of the street is maintained. Subject to large scale details, this amendment is considered to be acceptable and has not raised any objection from Historic England.

It is considered that the proposals for Phase 4, as amended, will result in a high quality development which will enhance the distinctive features of Park Hill and preserve the character and appearance of this important grade II\* listed building in accordance with UDP policies, the Core Strategy and guidance within the NPPF.

## Landscape

Policy BE6 of the UDP (Landscape Design) advises that good quality landscape design is expected in all new developments and that this should provide an

interesting and attractive environment which integrates existing landscape features into the development. It should also seek to promote nature conservation and use native species where appropriate.

The key concept for this phase of the Park Hill landscape is to bring a sense of the wider landscape into the heart of the site; effectively to bring the park back into Park Hill.

Pedestrian movement into and through the site is prioritised, with improved connections to Duke Street and meandering paths that encourage people to explore the grounds, while a central plaza welcomes visitors to the gallery but also forms a point from which to access other areas such as the play area or sculpture garden.

Within this part of the estate are a large number of mature trees, which are a key part of the site's history and give character and maturity to the landscape. The strategy is to retain these trees where possible, and to supplement them with new and complementary tree planting. However, in order to facilitate the new gallery extension a small group of trees will need to be removed. In addition, and in order to improve the context of Duke Street, some of the older trees, or those in a poor condition, will be removed in order to create more space, light and views into the site along this key public route.

Wider planting is generally naturalistic in style and makes reference to the dry grasslands, heathlands and forests of South Yorkshire.

It is considered that the proposed landscape scheme works with existing features in a sensitive and contemporary manner in order to enhance the setting of the grade II\* listed building and therefore complies with the requirements of policy BE6.

### Sustainability

Policy CS63 of the Core Strategy (Responses to Climate Change) gives priority to developments that are well served by sustainable forms of transport, that increase energy efficiency, reduce energy consumption and carbon emissions, and that generate renewable energy.

Similarly policy CS64 (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings and conversions of existing buildings to be energy efficient and to use resources sustainably, while policy CS65 (Renewable Energy and Carbon Reduction) seeks to secure the generation of energy from renewable sources, with 10% of predicted energy needs provided from decentralised and renewable or low carbon energy.

The proposed development is in a highly sustainable location, to the east of Sheffield's railway station and the Supertram and a short walk from the central shopping area. Sustainable forms of transport are further promoted with the provision of 50 secure cycle storage spaces.

In relation to the gallery extension, building fabric insulation levels will be enhanced in order to stabilise the internal conditions – a requirement for a high quality art

gallery in order to preserve exhibits – and a consequential benefit is reduced heat loss in winter and reduced heat gain in summer.

The requirement to meet exacting internal conditions means that some form of mechanical support will be required and low energy technologies are being considered, such as a ground source heat pump. Heat pumps can be ‘reversible’ in that they can provide heating and cooling at similar efficiencies, and the system can be designed so that any heat rejected during cooling can be recovered and be used for heating where a simultaneous load exists. This is particularly useful in a gallery where air has to be cooled to reduce humidity and then reheated.

Within the existing building, the existing façade is to be retained as much as possible. However a proprietary internal cladding system is proposed in order to improve thermal performance and reduce energy losses attributed to air leakage and infiltration. This will be enhanced through the introduction of thermally efficient windows and doors.

In addition, low energy lighting and highly efficient heating and, where necessary, ventilation, will secure further carbon reductions with negligible impact on the significance of the listed building. The above measures will be secured by condition.

#### Highway Issues

As previously described, the application site is considered to be in a highly accessible location:

- the majority of the city centre is within the acceptable walking distance for commuting of 1km;
- all of the city centre, and a significant part of the surrounding suburban area, are within a 30 minute cycle ride;
- the site is well served by a frequent bus service (17 services per hour Monday to Friday; 16 services per hour on Saturday and 9 services per hour on Sunday);
- the site is within a reasonable walking distance of the Supertram (the train station stop) which allows direct access to the blue and purple routes; and
- the site is within an acceptable walking distance of Sheffield Railway Station, which provides access to numerous local and national destinations.

In relation to vehicular traffic generation, consideration is normally given to the impact of developments on the AM and PM peak periods as this is when the background traffic levels are at their highest and when congestion is considered to be at its worst.

It is estimated that the current proposals will result in an additional 14 vehicular trips in the AM peak and 15 in the PM peak (based on the principles of traffic generation agreed under previous development phases) and the vast majority of these trips are associated with the residential element of the scheme. When the estimated vehicular trips generated are distributed to the network it is agreed that this level of generation will not have a material impact on the operational capacity or safety of the local highway network.

In terms of traffic generation associated with the proposed art gallery, it is estimated that the peak traffic generation will be between 1400 hours and 1500 hours and will be in the order of 19 trips. Again this level of trip generation will not have a material impact on congestion or safety.

80 parking spaces were proposed as submitted, though this has since been reduced to 76 in order to provide a more appropriate parking layout adjacent Rhodes Street. Given that the site is highly accessible by alternative modes of travel, it is considered acceptable to provide lower levels of on-site parking than the maximum levels indicated in the SCC parking guidelines. However, it is important to ensure that the provision is not reduced to such a level that problems are created on the surrounding highway network.

In order to determine the characteristics of the parking demand for existing phases, which is considered to be an acceptable base line for consideration of the current proposals, parking beat surveys were undertaken in Dec 2017 and Jan 2018. Briefly the analysis shows that:

- during weekdays, the existing car park was at less than 60% occupancy;
- on weekday evenings the car park was at approximately 48% occupancy; and
- at weekends, the car park occupancy was at approximately 42% during the day and 47% in the evening.

It can therefore be concluded that the existing provision not only provides for the existing demand but also provides some capacity for future phases.

Notwithstanding the above it is considered that, based on estimated traffic generation and recorded modal split information, the provision of 76 spaces in Phase 4 is likely to accommodate the increase in parking demand.

It should also be noted that high levels of car parking would likely have a harmful impact on the setting of the listed building, that it might encourage car ownership and discourage alternative modes of transport, and that there are several public car parks located within 1 km of Park Hill. Moreover, 50 secure cycle parking spaces are proposed, along with coach drop off and pick up facilities on Duke Street.

A number of commentators have raised concerns about opportunities for rat-running through the site.

There is likely to be a disadvantage in taking a supposed shortcut through the estate as the layout, landscaping and surfacing encourage low vehicle speeds and it would be far quicker to use Talbot Street to get to Shrewsbury Road. It is also expected that the Automatic Number Plate Recognition (ANPR) cameras will act as a deterrent to those who do not live within the development. Moreover, the proposed through route will be useful to residents wanting to get to the car park without having to drive all the way around the estate if they are arriving from the opposite direction.

For these reasons it is considered that the proposed through route is unlikely to be abused by rat-runners and, on balance, the advantages to residents and employees

outweigh the disadvantages. However, this can be monitored by Urban Splash, who have previously agreed that bollards could be installed should rat-running become a problem.

#### Land Contamination

The site has been subject to former development and there is potential for there to be Made Ground present. Moreover, previous site investigations within other areas of Park Hill flats have identified contaminants requiring remedial works. Therefore there is potential for there to be contaminants and/or ground gases, presenting a potential risk to human health, property and the environment. In light of this, the suite of land contamination conditions is recommended.

#### Affordable Housing

Policy CS 40 of the Core Strategy (Affordable Housing) states that, in all parts of the city, developers of new housing will be required to contribute towards the provision of affordable housing where it is practicable and financially viable, however the expected affordable housing contribution in this location is zero.

A condition (condition 4) was attached to the original 2006 outline consent for the wider site requiring no less than 20% of the total number of dwellings to be affordable and 96 affordable units were delivered within Phase 1 via the Great Places Housing Group. This equates to 21% of the 460 units that form Phases 1 and 2, i.e. the phases built under the outline consent.

#### Community Infrastructure Levy (CIL)

The site lies within an area of the city centre where residential development attracts a CIL charge of £50 per square metre.

#### RESPONSE TO REPRESENTATIONS

These have been addressed in the body of the report.

#### SUMMARY AND RECOMMENDATION

These applications seeks planning permission and listed building consent for the refurbishment of the Phase 4 block at the eastern end of the site to provide 95 residential units, temporary artist accommodation, heritage flats (for short term rent), artist studios, education space and flexible workspaces as well as an extension to form a new purpose-built art gallery with ancillary shop and cafe. It is concluded that, following some amendments, the submitted proposals will retain and protect those features of the buildings that merited Park Hill being awarded grade II\* listed building status and deliver the next phase of a development that will secure the building's long term future.

It is also considered that the details submitted in relation to the listed building consent provide sufficient justification that the proposed development will preserve and enhance the special character of this significant grade II\* listed building.

As per paragraph 15(1) of DETR Circular 01/2001: Arrangements for Handling Heritage Applications-Notification and Directions by the Secretary of State and Circular 08/2009: Arrangements for Handling Heritage Applications Direction 2015, these applications are not subject to referral to the Secretary of State as it does not involve the demolition of the principal building, the demolition of a principal external wall of the principal building, or the demolition of all or a substantial part of the interior of the principal building.

Members are therefore recommended to grant planning permission and listed building consent, subject to the listed conditions in each case.

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Case Number	19/00523/FUL (Formerly PP-07588315)
Application Type	Full Planning Application
Proposal	Park Hill Phase 4 - Refurbishment of Duke Street tower block for a mixed-use development comprising of 95 residential units, education space, artist studios, flexible workspaces, temporary artist accommodations and heritage flats, and an extension to form a new purpose-built art gallery with ancillary shop and cafe, landscaping, car parking and associated works (use classes B1, C1, C3 and D1)
Location	Park Hill Estate Duke Street Park Hill Sheffield S2 5RQ
Date Received	12/02/2019
Team	City Centre and East
Applicant/Agent	Carmody Groarke
Recommendation	Grant Conditionally

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

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

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

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

2. The development must be carried out in complete accordance with the drawings contained within the Drawing Issue Sheet (Project Name: Park Hill Art Space) produced by Carmody Groarke and dated 15/8/2019.

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 Construction Traffic Management Plan has been submitted to and approved by the Local Planning Authority and the approved details, which shall include the means of ingress and egress for vehicles engaged in the construction of the development, an area for delivery/service vehicles to load and unload, the parking of associated site vehicles, the storage of materials and measures to prevent/clear mud on the highway, shall be implemented throughout the duration of demolition/construction works.

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

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

- a) been carried out; or
- b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use.

Highways Improvements:

Promotion of Traffic Regulation Orders (TROs) on Rhodes Street to ensure adequate manoeuvring for the proposed parking spaces and on Duke Street to facilitate coach parking.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway.

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

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

6. 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 detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out in accordance with the approved details.

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

8. 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.

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

9. No groundworks shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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

10. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of groundworks. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

11. 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 the commencement of groundworks. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

12. 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.

13. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

14. Construction in the relevant area (s) of the site shall not commence until measures to protect the water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that shall be submitted to and approved by the local Planning Authority. The details shall include but not be exclusive to:

- confirmation that no buildings will be sited within 3 metres either side of the centre line of any water main;
- confirmation that no trees will be located within 5 metres either side of the centre line of any water main;
- any proposed changes in ground level in the vicinity of the pipes; and
- the means of ensuring access for the purposes of repair and maintenance of water infrastructure within the site is maintained at all times

If the required stand-off distance(s) is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to protect public health and allow sufficient access for maintenance and repair work to water supply infrastructure at all times.

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

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

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

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. Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Doors and door surrounds  
Windows (including reveals)  
Balconies and balustrades  
Link between gallery extension and existing building  
Hague Row infill panels  
Parapets, eaves and verges

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

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

18. A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority before any masonry works commence and shall be retained for verification purposes until the completion of such works.

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

19. Details, including samples, of the extent and specification of brick and concrete repair, cleaning and treatment shall be submitted to and approved by the Local Planning Authority prior to the commencement of those works and shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the fabric of the building is not damaged.

20. The proposed green/brown roof (vegetated roof system) shall be provided on the roof(s) in accordance with locations shown on the approved plans. Details

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

Reason: In the interests of biodiversity.

21. 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.

22. Before the gallery and office uses hereby permitted commence, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:

a) Be based on the findings of the approved noise survey Park Hill Art Space Noise Assessment by Max Fordham dated 7/2/2019.

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

(i) as a 15 minute LAeq, and;

(ii) at any one third octave band centre frequency as a 15 minute LZeq.

c) Be capable of restricting noise breakout from these uses to all adjoining residential accommodation to levels complying with the following:

(i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);

(ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);

(iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);

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

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

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

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

23. Before the use of the development is commenced, Validation Testing of the sound 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 attenuation works thus far approved, a further scheme of sound attenuation 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.

24. Prior to the occupation of any part of the development, a detailed Travel Plan designed to reduce the need for and impact of motor vehicles and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority. The detailed Travel Plan shall be developed in accordance with the Framework Travel Plan (including the S1 Artspace Car parking Strategy) produced by Civic Engineers and dated 7 February 2019. The Travel Plan shall include:

- Clear and unambiguous objectives and modal split targets;
- An implementation programme, with arrangements to review and report back on progress being achieved to the local planning authority;
- Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the local planning authority.
- Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

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

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

25. 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. The scheme shall include the following details:
- Topsoil specification and depths
  - A planting schedule and planting plan, at 1:200 or 1:100 scale
  - A comprehensive list of species and stock specification
  - A maintenance schedule
  - Hard landscaping details including samples of surfacing materials and details of all fixed outdoor furniture

Thereafter the approved details shall be implemented prior to the occupation of the development.

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

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

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

27. Before that part of the development commences, full details of the proposed cycle parking accommodation as shown on the approved plans shall be submitted and approved in writing by the local planning authority. Thereafter, such cycle parking accommodation shall be provided in accordance with the approved details prior to the occupation of the development and thereafter shall be retained.

Reason: In the interests of delivering sustainable forms of transport it is essential for these works to have been carried out before the use commences.

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

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

29. Prior to the occupation of the art gallery, a Service Management Plan shall be submitted and approved in writing by the Local Planning Authority and thereafter the development shall operate in accordance with the approved details.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway.

30. The development shall not be used unless the car parking accommodation for 76 vehicles as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

31. The Developer shall use reasonable endeavours to ensure that any identified end-user of any phase of the development shall, in collaboration with Talent Sheffield, produce a detailed Inclusive Employment and Development Plan, designed to maximise opportunities for both immediate and on-going employment from the operational phase of development. The plan shall be submitted to and approved in writing by the Local Planning Authority.

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

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

32. 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.

### **Other Compliance Conditions**

33. No amplified sound shall be played within the external areas of the development hereby permitted nor shall loudspeakers be fixed at any time outside the building.

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

Attention is Drawn to the Following Directives:

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

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

Telephone: 0114 273 6677

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

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

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

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

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk)

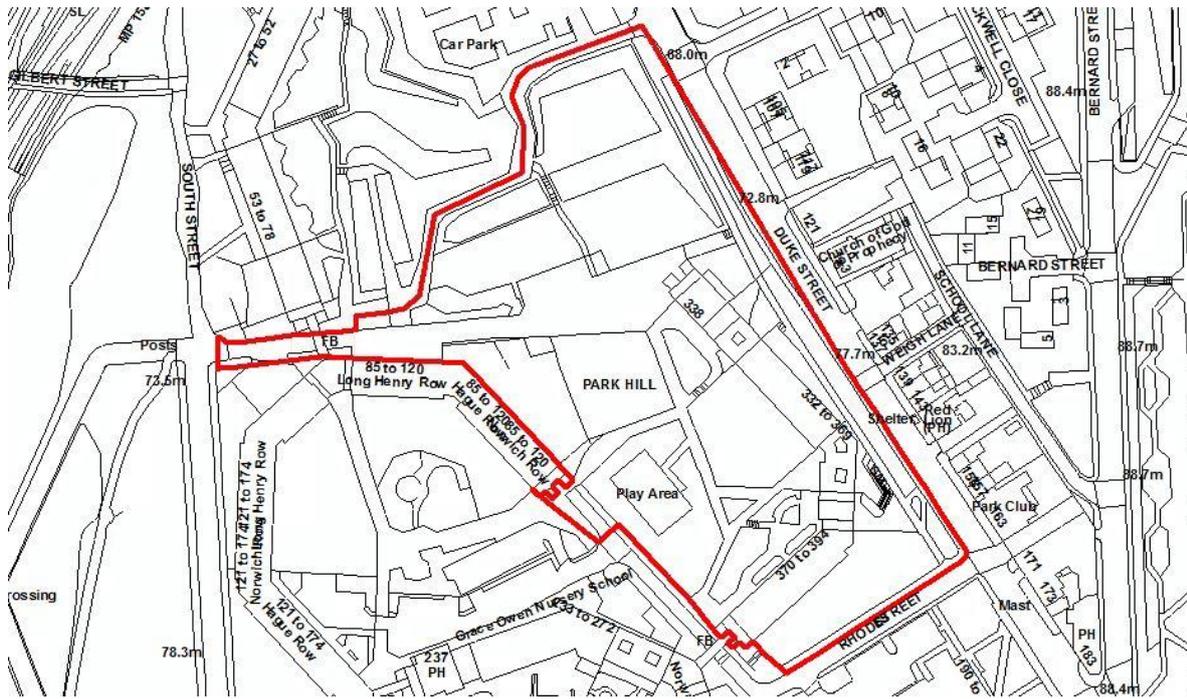
Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

5. 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.

6. 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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## INTRODUCTION

This is a joint report for planning application reference 19/00523/FUL and Listed Building Application 19/00902/LBC.

Members may recall that outline planning permission for the comprehensive redevelopment of the Park Hill estate was approved at Planning Committee in August 2006 (06/00848/OUT). This approved the redevelopment of Park Hill to provide up to 874 refurbished flats across the whole of the existing grade II\* listed complex, together with a total of 13,761sq.m of various non-residential floorspace (A1, A2, A3, A4, A5, B1 and D1) in refurbished and new-build spaces. A number of matters were reserved by condition including details of design, external appearance, access and landscaping.

The 2006 outline consent was subsequently varied three times as follows: 07/01962/OUT, to allow phasing of the development; 08/02793/OUT, to allow phased car-parking provision; and 12/01758/OUT, to defer some of the landscaping and highway works to Phases 2 and later.

A reserved matters application for Phase 1 (07/02476/REM) was approved at Committee in October 2007. However, as a result of market changes, the designs for Phase 1 evolved and an amended reserved matters application was approved in December 2011 (11/02801/REM). This consent – which included a reduction in apartment numbers from 321 units to 263 units and a deferral in the provision of the multi-storey car park to a later phase – represents the as-built designs for Phase 1, which was completed in March 2016.

The reserved matters application for Phase 2 was approved at committee in December 2017. It granted consent for the refurbishment of the horseshoe-shaped block situated in the centre of the site to provide 199 residential units (Use Class C3) and 1,963sqm commercial space (A1, A2, A3, A4, B1, D1 & D2 uses), landscaping, car parking and associated works. Work on Phase 2 has just begun.

In a departure from the consented outline scheme, planning permission and listed building consent were granted for the refurbishment of the Phase 3 block at the southern end of the site to provide student accommodation with some commercial space at ground floor level. Work on Phase 3 is well underway.

In a further departure from the consented outline scheme, planning permission and listed building consent are now sought for the refurbishment of the Duke Street tower block at the eastern end of the estate for use as 95 residential units, education space, artist studios, flexible workspaces, temporary artist accommodations and heritage flats, plus an extension to form a new purpose-built art gallery with ancillary shop and cafe (use classes C1, C3, B1 and D1).

The applications will not be subject to referral to the Secretary of State as they do not involve the demolition of the principal building, the demolition of a principal external wall of the principal building, or the demolition of all or a substantial part of the interior of the principal building.

## LOCATION AND PROPOSAL

The application site is located within the Park Hill estate to the east of the city centre. The estate covers approximately 32 acres and comprises of four principal blocks that vary in scale from four to thirteen storeys. It is bound by Anson Street and the Park Square roundabout to the north, Duke Street to the east, Talbot Street to the south and South Street to the west. Beyond South Street is the Sheaf Valley Park which leads down to the Railway Station in the valley bottom. To the north-east and south-east surrounding areas are predominantly residential in character.

Park Hill was built between 1957 and 1961 by the Corporation of Sheffield. This prominent grade II\* listed brutalist structure is now the largest listed building in Europe. A characteristic feature of Park Hill are the deck access 'streets in the sky' that link all four main blocks with walkways wide enough to accommodate a milk float. The decks, which were intended to replicate the close community of a terraced street, occur at every third level and all front doors lead onto these. The four blocks are served by 13 passenger lifts and two large goods' lifts.

Flats and maisonettes were designed around a three-bay, three storey unit system comprising of a one bed and a two bed flat below deck level and a three bed maisonette on and above the deck level. The rigid grid of flats and maisonettes ensured that kitchens and bathrooms were stacked in pairs to facilitate servicing. Lifts, stairs, pubs and laundries were set at nodal points. The structure was infilled with brickwork and full-height timber windows. Each of the three storey bands has a different brickwork colour (one per street) which gets lighter towards the top.

The current applications relate to Phase 4, the fourth of the five redevelopment phases of Park Hill. Phase 4 is located at the eastern end of the estate, bound by Duke Street to the east and Rhodes Street to the south. This eastern block comprises of a 7 to 9 storey building with 3 flanks. It maintains the continuous horizontal roofline which is characteristic of the wider estate.

As amended, the proposed development comprises of external and internal alterations to the building for use as 95 residential units, temporary artist accommodation, heritage flats (for short term rent), artist studios, education space and flexible workspaces as well as an extension at the north-western end of the range to form a new purpose-built art gallery. The proposals also include provision for landscaping and car parking. Proposals for an auditorium within the listed building were omitted.

## RELEVANT PLANNING HISTORY

06/00848/OUT      In August 2006, the refurbishment and partial redevelopment of the Park Hill Estate to provide residential accommodation (Use Class C3), multi-storey car park, landscaping, new vehicular and pedestrian access routes and A1, A2, A3, A5, B1 and D1 uses, was granted outline planning consent.

06/00849/LBC	In September 2006 listed building consent was granted for the removal of buildings and structures within the curtilage of Park Hill Flats.
07/01962/OUT	In July 2007, the refurbishment and partial redevelopment of the Park Hill Estate to provide residential accommodation (Use Class C3), multi-storey car park, landscaping, new vehicular and pedestrian access routes and A1, A2, A3, A5, B1 and D1 uses (application under Section 73 to vary condition no.1 imposed by 06/00848/OUT (to allow for the phased development of the site)) was approved.
07/02476/REM & 07/02475/LBC	Partial demolitions, refurbishment and reconfiguration of existing flats, erection of multi-storey car park with ancillary A1 (retail), A3 (cafes/restaurants), A4 (bars), A5 (takeaways), D1 (health/education) and B1 (offices) uses and landscaping (Reserved matters in accordance with 06/00848/OUT) were approved in October 2007.
08/02793/OUT	In October 2008, an application to vary condition 7 (details of multi-storey car park) and condition 12 (car parking strategy) of application no. 06/00848/OUT (Application under Section 73) was approved.
11/02801/REM & 11/03197/LBC	Partial demolitions, refurbishment and reconfiguration of existing flats, erection of multi-storey car park with ancillary A1 (retail), A2 (financial and professional) A3 (cafes/restaurants), A4 (bars), A5 (takeaways), D1 (health/education), ancillary gymnasium (D2) and B1 (offices) uses and landscaping (Revised Reserved Matters in relation to Phase 1 in accordance with 06/00848/OUT) were approved in December 2011.
12/01758/OUT	An application to allow landscaping, the creation of public access routes and highways improvement works to be delayed until Phase 2 of the development (Application under section 73 to vary condition 9 (landscaping and access) and condition 10 (highways improvements) of planning permission ref. 06/00848/OUT (Refurbishment and partial redevelopment of the Park Hill Estate)) was approved in September 2012.
12/01800/REM	An application to allow highways improvement works to be delayed until Phase 2 of the development (Application under section 73 to vary condition 5 (highways improvements) of planning permission ref. 07/02476/REM (Refurbishment and partial redevelopment of the Park Hill Estate)) was also approved in September 2012.
17/03486/REM & 17/03686/LBC	In December 2017 consent was granted for the refurbishment of the central block to provide 199 residential units (Use Class C3) and 1,963sqm commercial space (A1, A2,

A3, A4, B1, D1 and D2 uses), landscaping, car parking and associated works. Application to approve details in relation to design, external appearance, access and landscaping matters reserved by 06/00848/OUT, 07/01962/OUT, 08/02793/OUT and 12/01758/OUT.

- 18/01699/FUL & 18/01700/LBC In July 2018, planning permission and listed building consent were granted for external and internal alterations to the southern block (Phase 3) for use as student accommodation (sui generis), including use of part of the ground floor as Use Classes A1, A2, A3, A4 and/or D2, erection of cycle store and provision of landscaping, car parking and service areas, a sub-station and boundary treatments.
- 19/00548/NMA & 19/00556/LBC In March 2019 an NMA and listed building consent were granted to allow alterations to the approved shared bathroom arrangements in Phase 3 in order to provide en-suite bathrooms.
- 19/00302/REM In May 2019 consent was granted under Section 73 of the Planning Act to allow amendments to the wording of condition 7 of 17/03486/REM (internal subdivision of commercial unit).

## SUMMARY OF REPRESENTATIONS

Comments were received from 9 local residents with a little over half raising objections and the remainder raising neutral or supportive comments.

Those concerns raised by objectors include:

- The loss of trees along the perimeter of the site, which make an important contribution the streetscape.
- The replacement of an outdoor amenity area and other green spaces with car parking.
- Allowing vehicular access through the car parks to connect Duke Street and South Street is a safety concern, will impact on residential amenities and is likely to be abused by rat runners.
- Giving priority to car parking spaces and cars when the site is so close to the city centre and good public transport links.
- There are insufficient dedicated car-share parking spaces and electric charging points.
- Pay and display parking places should be reduced in order to discourage commuter parking and because spaces are not always available for residents.
- There is no provision for affordable housing in the newer phases.
- Little consideration has been given to reducing the environmental impact of the development. There are no proposals for solar panels or wind turbines which could be used to power common area lighting, while a green roof or wall would reduce the building's energy needs and air pollution.

Other comments include:

- Overall the scheme is to be welcomed - a high level of design which will have a transformative impact on both the local area and the wider city attracting new visitors and long term economic benefits.
- The orientation of the main entrance to the gallery on Duke Street will bring new life to Duke Street and improve connections for residents on that side of Park Hill.
- The suggested street furniture and landscaping on Duke Street will enhance the area and the ability of coaches to drop off and pick up in front of the main entrance makes more sense.
- Having been protective of our green spaces, many of my neighbours have been finding it difficult to park so on balance perhaps no objection to the proposed new spaces so long as they can return to lawns in the future.

In addition, Cllr Terry Fox raised concerns about the level of car parking which he considered to be light in relation to the scale of the proposals.

The following statutory consultations were received:

#### Historic England

Historic England considers the design of the proposed gallery to be of a very high quality which responds successfully to the bold architecture of Park Hill and which offers new opportunities for interacting with and viewing the original building and landscape. They consider that the demolition of the existing garages will cause some harm to the significance of the site through the loss of an original component of its Masterplan, but that this harm is justified in order to facilitate the construction of the proposed gallery.

While there will be some loss of fabric and historic layout within the 'flanks' of the original building to create the lobby space and artists' studios, these interventions follow the philosophy established in earlier phases and so Historic England are comfortable with the principle of this aspect of the proposals. They also welcome the proposal to retain and reuse the booths from the former pub (The Link) within the new atrium space and consider the proposal to retain two flats in their original configuration with an element of interpretation for visitors to be a beneficial aspect of the scheme.

There are some aspects of the proposals which Historic England consider have the potential to have a greater impact on the significance of the building and about which they initially raised concerns. These included the proposed alterations to the fenestration patterns for the artists' studios, which they felt ran counter to the existing lively arrangement of fenestration which is a key component of the significance of Park Hill (the so-called 'uniform irregularity'), the proposal to infill the Hague Row street/deck, and the potential location for the auditorium. They felt that the proposals for Hague Row and the auditorium would be harmful to the architectural composition and illustrative value of the original design and, in the case of the infilling of Hague Row, were unsure what the justification for this proposal is, and recommend alternatives are explored.

We also have concerns that the elevation treatment of the artists' studios will lead to a repetitive pattern with a horizontal emphasis, which runs counter to the existing lively arrangement of fenestration which is a key component of the significance of Park Hill (the so-called "uniform irregularity"). The impact would be greatest on the south elevation of the northern wing (Flank R), where the existing depth and pattern of balconies and windows on levels 6 and 7 would be diminished by the application of a standardised window form and reduced depth of reveal.

Following further negotiations the auditorium was omitted from the scheme (it will possibly form the basis of a standalone application at a later date). The design of the artists' studio windows was amended to reflect the pattern of existing fenestration and the infilling of Hague Row was amended from a solid infill to moveable/openable screens.

On this basis Historic England raised no objections to the proposals.

#### Twentieth Century Society

The Twentieth Century Society considers the design of the proposed gallery extension to be well-considered and respectful to the architectural and historic significance of the surrounding estate, in a position that makes best use of the slope of the site to minimise visual dominance and while the scale of the building and its green roof work to retain a sense of openness to the landscaped areas. The Society are pleased to see the inclusion of a recessed gap at the connection between the gallery and the lower floor of Hague Row as this will help the new extension to be read as distinct from the listed building.

The Society welcome the refurbishment of the residential areas and are particularly pleased to see the high level of conservation of original fabric and that the retention of access via the 'streets' has been maintained from Phase 2. They recognise that some alterations will be necessary for the conversion of former residential and retail units to artists' studios and other ancillary spaces for the art gallery and consider this level of change to have minimal impact on the significance of the listed building.

The one reservation the Society has concerns the proposed use of a hydrophilic coating for the original concrete elements, including the H-frame, as such coatings can mask the fair-faced finish of the concrete, obscuring patina and textural detail. They also age and weather differently to exposed concrete, and are difficult to remove without leaving traces on the surface's original finish (as can be seen on previous trial coatings carried out in the early 2000s). The Society recommend further investigation into concrete repair and protection is undertaken and for a detailed concrete repair plan to be conditioned if the applications are approved.

#### Sheffield Conservation Advisory Group

At their meeting on 16<sup>th</sup> April the Group welcomed the stated aim of the scheme to retain Park Hill as a symbol of Sheffield. They considered that the vertical re-alignment of part of the accommodation should be carried out carefully and only for operational reasons and that the 'streets in the sky' aspect of the building, for which

Park Hill is known, should not be lost. They expressed concern that, if the development is not handled correctly, Park Hill might no longer represent its original concept.

The Group welcomed the proposal to retain certain flats in the original '1960s' style. They considered that the new art gallery, which it welcomed, would create a different prospect in terms of its height and again should be treated carefully. The Group felt that the proposed junction with the existing building was clumsy and felt it would be preferable if the junction was broken with a glass or covered link. The Group welcomed the proposed green roof as an attempt to minimize the visual impact from above.

## PLANNING ASSESSMENT

### Land Use

The Park Hill estate lies within a designated Housing Area as defined in the Unitary Development Plan (UDP). Policy H10 of the UDP (Development in Housing Areas) describes housing (use class C3) as the preferred use of land while small shops (A1), food and drink outlets, business (B1) and community facilities and institutions (D1) are all described as acceptable, though it warns that large scale facilities are less likely to be compatible with residential neighbourhoods.

Re-use of the upper floors as residential accommodation is welcome and brings the majority of the building back into its original use, while the heritage apartments will provide an interesting insight into post war social housing.

The proposed art gallery and studio accommodation will be run by S1 Artspace and forms part of their wider strategic plans to improve infrastructure for art, culture and heritage in Sheffield, South Yorkshire and the wider North. It lies in very close proximity to the city centre and is only a short walk from the railway station. Moreover, the Park Hill estate originally included residential accommodation alongside commercial and leisure uses and well as generous open spaces. This character, along with the building's iconic listed status, is considered to make it a suitable location for the proposed art gallery. The proposed shop and café uses will remain ancillary to the gallery use. The proposed development is therefore considered to be acceptable in principle.

### Design and Impact on Heritage Assets

The National Planning Policy Framework (NPPF) advises that good design is a key aspect of sustainable development, that it creates better places in which to live and work and helps make development acceptable to communities (para. 124).

Policy BE5 of the UDP (Building Design and Siting) advises that good design and the use of good quality materials will be expected in all new developments while policy CS74 of the Core Strategy (Design Principles) advises that high-quality development is expected which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

In relation to the buildings listed status, chapter 16 of the NPPF (Conserving and enhancing the historic environment) sets out the Government's policies for the historic environment. Paragraph 193 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 ... 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' 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' (para. 196).

A similar duty is required by Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990, which states that 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.'

Policy BE15 of the UDP (Areas and Buildings of Special Architectural and Historic Interest) advises that buildings and areas of special architectural or historic interest will be preserved or enhanced and development that would harm their character or appearance will not be permitted. Similarly, policy BE19 (Development Affecting Listed Buildings) expects proposals for internal or external alterations, which would affect the special interest of a listed building, to preserve the character and appearance of the building and, where appropriate, to preserve or repair original details and features of interest.

The approach to refurbishing the upper floors of the block for use as apartments follows that approved for Phase 2, a light touch based on retaining and repairing (where required) the concrete frame, brickwork, and party walls, retaining the full width of the 'streets in the sky', and applying colour in a restrained manner. The concrete balustrades will be replaced and a new timber handrail introduced at a slightly lower height to improve views out of the apartments. All the existing windows will be replaced with double glazed aluminium units and sliding glass doors to the balconies. The pattern of the proposed windows picks up on the vertical rhythm of the existing windows, but removes the multiple horizontal transoms to create large, full height contemporary openings. This approach is again supported.

At the lower levels, a large extension at the northern end of the Duke Street block, connected to the western façade and occupying space currently housing garages, will create a new gallery space. The proposed gallery is a distinct structure, finished in textured brick and cast concrete (the predominant materials at Park Hill), with its main entrance located along the existing east-west desire line from Duke Street down to Sheaf Square. It reads as a series of five interconnected flat roofed volumes of one and two storeys in height which, together, form a more civic sized whole. The extension projects into the rising land such that the green roofs become part of the surrounding landscape. Simple large format windows provide views in and out of the building to enhance the visual connection with the Park Hill estate. The extension is considered to respond well to its immediate setting, minimising

impact on the form of the original building and providing a real sense of arrival when approached from South Street.

The area formerly occupied by the 'Link' pub will form part of the gallery's ancillary facilities, including the shop, café and reception area, while ten artists' studios will occupy much of the remainder of the ground floor, addressing the current lack of such space in Sheffield. The studios will have direct access to outside and some will feature double height spaces to accommodate large pieces of artwork. Temporary accommodation for visiting artists will be situated on the half deck of the second floor.

Internally, spaces are all designed to be flexible but are again treated with a light touch in order to retain the character of the original building. The concrete finishes of the original building will be revealed as far as possible.

The architectural significance of Park Hill and its place in British housing design was recognised in 1998 when it received grade II\* listed building status.

As noted by Historic England, the demolition of the garages will cause some harm to the significance of the site but the harm caused is considered to be minimal and justified in order to facilitate the construction of the proposed gallery. There were aspects of the initial proposals which were considered to have the potential to impact more greatly on the significance of the building. These included the proposed alterations to the fenestration patterns for the artists' studios, the proposal to infill part of the Hague Row street/deck on the Duke Street elevation, and the introduction of an auditorium. However, the studio windows have been amended to more closely reflect the pattern of the existing fenestration and the auditorium was removed in its entirety.

The deck access 'streets in the sky' are one of the defining features of Park Hill. The 3 metre wide covered walkways were positioned on every third floor and allow access to maisonettes at deck level and to the flats below deck (the streets, or 'Rows', were named after the original streets of slum housing which the estate replaced). The infilling of part of Hague Row on the block's Duke Street elevation to create more internal communal space was initially proposed in brick but it was felt that the solidity of this treatment would eradicate all reference to the street in this location. Instead, lightweight metal panels are now proposed, which will be openable in places so that the essence of the street is maintained. Subject to large scale details, this amendment is considered to be acceptable and has not raised any objection from Historic England.

It is considered that the proposals for Phase 4, as amended, will result in a high quality development which will enhance the distinctive features of Park Hill and preserve the character and appearance of this important grade II\* listed building in accordance with UDP policies, the Core Strategy and guidance within the NPPF.

## Landscape

Policy BE6 of the UDP (Landscape Design) advises that good quality landscape design is expected in all new developments and that this should provide an

interesting and attractive environment which integrates existing landscape features into the development. It should also seek to promote nature conservation and use native species where appropriate.

The key concept for this phase of the Park Hill landscape is to bring a sense of the wider landscape into the heart of the site; effectively to bring the park back into Park Hill.

Pedestrian movement into and through the site is prioritised, with improved connections to Duke Street and meandering paths that encourage people to explore the grounds, while a central plaza welcomes visitors to the gallery but also forms a point from which to access other areas such as the play area or sculpture garden.

Within this part of the estate are a large number of mature trees, which are a key part of the site's history and give character and maturity to the landscape. The strategy is to retain these trees where possible, and to supplement them with new and complementary tree planting. However, in order to facilitate the new gallery extension a small group of trees will need to be removed. In addition, and in order to improve the context of Duke Street, some of the older trees, or those in a poor condition, will be removed in order to create more space, light and views into the site along this key public route.

Wider planting is generally naturalistic in style and makes reference to the dry grasslands, heathlands and forests of South Yorkshire.

It is considered that the proposed landscape scheme works with existing features in a sensitive and contemporary manner in order to enhance the setting of the grade II\* listed building and therefore complies with the requirements of policy BE6.

### Sustainability

Policy CS63 of the Core Strategy (Responses to Climate Change) gives priority to developments that are well served by sustainable forms of transport, that increase energy efficiency, reduce energy consumption and carbon emissions, and that generate renewable energy.

Similarly policy CS64 (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings and conversions of existing buildings to be energy efficient and to use resources sustainably, while policy CS65 (Renewable Energy and Carbon Reduction) seeks to secure the generation of energy from renewable sources, with 10% of predicted energy needs provided from decentralised and renewable or low carbon energy.

The proposed development is in a highly sustainable location, to the east of Sheffield's railway station and the Supertram and a short walk from the central shopping area. Sustainable forms of transport are further promoted with the provision of 50 secure cycle storage spaces.

In relation to the gallery extension, building fabric insulation levels will be enhanced in order to stabilise the internal conditions – a requirement for a high quality art

gallery in order to preserve exhibits – and a consequential benefit is reduced heat loss in winter and reduced heat gain in summer.

The requirement to meet exacting internal conditions means that some form of mechanical support will be required and low energy technologies are being considered, such as a ground source heat pump. Heat pumps can be ‘reversible’ in that they can provide heating and cooling at similar efficiencies, and the system can be designed so that any heat rejected during cooling can be recovered and be used for heating where a simultaneous load exists. This is particularly useful in a gallery where air has to be cooled to reduce humidity and then reheated.

Within the existing building, the existing façade is to be retained as much as possible. However a proprietary internal cladding system is proposed in order to improve thermal performance and reduce energy losses attributed to air leakage and infiltration. This will be enhanced through the introduction of thermally efficient windows and doors.

In addition, low energy lighting and highly efficient heating and, where necessary, ventilation, will secure further carbon reductions with negligible impact on the significance of the listed building. The above measures will be secured by condition.

#### Highway Issues

As previously described, the application site is considered to be in a highly accessible location:

- the majority of the city centre is within the acceptable walking distance for commuting of 1km;
- all of the city centre, and a significant part of the surrounding suburban area, are within a 30 minute cycle ride;
- the site is well served by a frequent bus service (17 services per hour Monday to Friday; 16 services per hour on Saturday and 9 services per hour on Sunday);
- the site is within a reasonable walking distance of the Supertram (the train station stop) which allows direct access to the blue and purple routes; and
- the site is within an acceptable walking distance of Sheffield Railway Station, which provides access to numerous local and national destinations.

In relation to vehicular traffic generation, consideration is normally given to the impact of developments on the AM and PM peak periods as this is when the background traffic levels are at their highest and when congestion is considered to be at its worst.

It is estimated that the current proposals will result in an additional 14 vehicular trips in the AM peak and 15 in the PM peak (based on the principles of traffic generation agreed under previous development phases) and the vast majority of these trips are associated with the residential element of the scheme. When the estimated vehicular trips generated are distributed to the network it is agreed that this level of generation will not have a material impact on the operational capacity or safety of the local highway network.

In terms of traffic generation associated with the proposed art gallery, it is estimated that the peak traffic generation will be between 1400 hours and 1500 hours and will be in the order of 19 trips. Again this level of trip generation will not have a material impact on congestion or safety.

80 parking spaces were proposed as submitted, though this has since been reduced to 76 in order to provide a more appropriate parking layout adjacent Rhodes Street. Given that the site is highly accessible by alternative modes of travel, it is considered acceptable to provide lower levels of on-site parking than the maximum levels indicated in the SCC parking guidelines. However, it is important to ensure that the provision is not reduced to such a level that problems are created on the surrounding highway network.

In order to determine the characteristics of the parking demand for existing phases, which is considered to be an acceptable base line for consideration of the current proposals, parking beat surveys were undertaken in Dec 2017 and Jan 2018. Briefly the analysis shows that:

- during weekdays, the existing car park was at less than 60% occupancy;
- on weekday evenings the car park was at approximately 48% occupancy; and
- at weekends, the car park occupancy was at approximately 42% during the day and 47% in the evening.

It can therefore be concluded that the existing provision not only provides for the existing demand but also provides some capacity for future phases.

Notwithstanding the above it is considered that, based on estimated traffic generation and recorded modal split information, the provision of 76 spaces in Phase 4 is likely to accommodate the increase in parking demand.

It should also be noted that high levels of car parking would likely have a harmful impact on the setting of the listed building, that it might encourage car ownership and discourage alternative modes of transport, and that there are several public car parks located within 1 km of Park Hill. Moreover, 50 secure cycle parking spaces are proposed, along with coach drop off and pick up facilities on Duke Street.

A number of commentators have raised concerns about opportunities for rat-running through the site.

There is likely to be a disadvantage in taking a supposed shortcut through the estate as the layout, landscaping and surfacing encourage low vehicle speeds and it would be far quicker to use Talbot Street to get to Shrewsbury Road. It is also expected that the Automatic Number Plate Recognition (ANPR) cameras will act as a deterrent to those who do not live within the development. Moreover, the proposed through route will be useful to residents wanting to get to the car park without having to drive all the way around the estate if they are arriving from the opposite direction.

For these reasons it is considered that the proposed through route is unlikely to be abused by rat-runners and, on balance, the advantages to residents and employees

outweigh the disadvantages. However, this can be monitored by Urban Splash, who have previously agreed that bollards could be installed should rat-running become a problem.

### Land Contamination

The site has been subject to former development and there is potential for there to be Made Ground present. Moreover, previous site investigations within other areas of Park Hill flats have identified contaminants requiring remedial works. Therefore there is potential for there to be contaminants and/or ground gases, presenting a potential risk to human health, property and the environment. In light of this, the suite of land contamination conditions is recommended.

### Affordable Housing

Policy CS 40 of the Core Strategy (Affordable Housing) states that, in all parts of the city, developers of new housing will be required to contribute towards the provision of affordable housing where it is practicable and financially viable, however the expected affordable housing contribution in this location is zero.

A condition (condition 4) was attached to the original 2006 outline consent for the wider site requiring no less than 20% of the total number of dwellings to be affordable and 96 affordable units were delivered within Phase 1 via the Great Places Housing Group. This equates to 21% of the 460 units that form Phases 1 and 2, i.e. the phases built under the outline consent.

### Community Infrastructure Levy (CIL)

The site lies within an area of the city centre where residential development attracts a CIL charge of £50 per square metre.

## RESPONSE TO REPRESENTATIONS

These have been addressed in the body of the report.

## SUMMARY AND RECOMMENDATION

These applications seeks planning permission and listed building consent for the refurbishment of the Phase 4 block at the eastern end of the site to provide 95 residential units, temporary artist accommodation, heritage flats (for short term rent), artist studios, education space and flexible workspaces as well as an extension to form a new purpose-built art gallery with ancillary shop and cafe. It is concluded that, following some amendments, the submitted proposals will retain and protect those features of the buildings that merited Park Hill being awarded grade II\* listed building status and deliver the next phase of a development that will secure the building's long term future.

It is also considered that the details submitted in relation to the listed building consent provide sufficient justification that the proposed development will preserve and enhance the special character of this significant grade II\* listed building.

As per paragraph 15(1) of DETR Circular 01/2001: Arrangements for Handling Heritage Applications-Notification and Directions by the Secretary of State and Circular 08/2009: Arrangements for Handling Heritage Applications Direction 2015, these applications are not subject to referral to the Secretary of State as it does not involve the demolition of the principal building, the demolition of a principal external wall of the principal building, or the demolition of all or a substantial part of the interior of the principal building.

Members are therefore recommended to grant planning permission and listed building consent, subject to the listed conditions in each case.

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Case Number	18/03849/FUL (Formerly PP-06866526)
Application Type	Full Planning Application
Proposal	Demolition of existing structures and erection of a mixed-use development between 4 to 26 storeys with 372 residential apartments including 5 live work units, retail/commercial floorspace (A1 with no more than 225sqm of floorspace/A2/A3/A4/B1 Use Class) at ground floor, ancillary facilities, amenity space and associated parking (As Amended Plans).
Location	Milton Street Car Park Milton Street Sheffield S3 7UF
Date Received	12/10/2018
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally

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

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

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

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

2. Location Plan:  
7704-L(00)67 - Site Edged Red Plan

Site Elevations/Sections:

7704-L(00)124D Context Elevations A & B  
7704-L(00)125D Context Elevations C & D  
7704-L(00)126D Context Elevations E & F  
7704-L(00)127D Context Elevations G & H  
7704-L(00)128C Context Section A  
7704-L(00)129E Context Elevations A & B - Colour  
7704-L(00)130D Context Elevations C & D - Colour

7704-L(00)131E Context Elevations E & F - Colour  
7704-L(00)132D Context Elevations G & H - Colour  
7704-L(00)133D Context Section AA - Colour

**Building Elevations:**

7704-L(00)134B Block A Elevations  
7704-L(00)135B Block B Elevations  
7704-L(00)136B Block C Elevations - Sheet 1  
7704-L(00)137B Block C Elevations - Sheet 2  
7704-L(00)138B Coloured Block A Elevations  
7704-L(00)139B Coloured Block B Elevations  
7704-L(00)140B Coloured Block C Elevations - Sheet 1  
7704-L(00)141B Coloured Block C Elevations - Sheet 2

**Site Plan Drawings:**

7704-L(00)112D Proposed Roof Plan  
7704-L(00)78F Coloured Basement Floor Plan  
7704-L(00)79L Coloured Ground Floor Plan  
7704-L(00)80L Coloured First Floor Plan  
7704-L(00)114D Coloured 2nd - 3rd Floor Plan  
7704-L(00)115D Coloured 4th Floor Plan  
7704-L(00)116D Coloured 5th Floor Plan  
7704-L(00)117D Coloured 6th Floor Plan  
7704-L(00)157A Coloured 7th Floor Plan  
7704-L(00)158A Coloured 8th Floor Plan  
7704-L(00)119D Coloured 9th Floor Plan  
7704-L(00)159A Coloured 10th Floor Plan  
7704-L(00)160A Coloured 11th - 12th Floor Plan  
7704-L(00)161A Coloured 13th Floor Plan  
7704-L(00)162A Coloured 14th Floor Plan  
7704-L(00)149B Coloured 15th - 16th Floor Plan  
7704-L(00)163A Coloured 17th - 19th Floor Plan  
7704-L(00)164A Coloured 20th - 22nd Floor Plan  
7704-L(00)122D Coloured 23rd - 25th Floor Plan

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

3. No development (including demolition, construction, or other enabling, engineering or preparatory works) shall take place until a final phasing plan for all works associated with the development has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to define the permission and to assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in

accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

4. No development (including demolition) shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that demolition, site clearance, groundworks and construction activities are planned and managed so as to prevent nuisance to occupiers and/or users of nearby sensitive uses and will document the Contractor's plans to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures. The CEMP shall include strategies to mitigate any residual effects from construction phase noise and vibration that cannot be managed to comply with acceptable levels at source. The CEMP shall also include details relating to the permitted working hours on site, and include a fugitive dust management plan.

Working hours shall be specified such that construction and associated activities audible at or beyond the site boundary takes place from 0730 to 1800 hours on Mondays to Fridays, 0800 to 1300 hours on Saturdays, with no working on Sundays or Public Holidays. Procedures for prior consultation with the Local Authority over proposed extraordinary working hours shall be detailed. The CEMP shall also detail suitable community communications procedures to ensure that occupiers of dwellings and other sensitive uses are informed in advance of planned and extraordinary disruptive working arrangements likely to cause significant amenity impacts.

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

5. 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.

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

An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out in accordance with the approved details.

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

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. Intrusive investigations as recommended in the approved Phase 1 Geo-Environmental Appraisal ref. JS/AHB/40089-Rp001 (10/10/2017) shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report

which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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

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

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

10. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has complied with the Written Scheme of Investigation (WSI) Entitled 'Land at Milton Street, Sheffield' (Version 2, 2017 prepared by Archaeological Research Services Ltd 2017) that sets out a strategy for archaeological investigation.

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

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

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

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

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

12. No above ground construction works within the relevant phase of development shall commence until final details of the following measures have been submitted to and approved by the Local Planning Authority:
- A Servicing Management Strategy relating to the residential, ancillary and commercial accommodation (as appropriate);
  - Final bin storage facilities relating to the residential, ancillary and commercial accommodation (as appropriate); and
  - A Waste Management Strategy relating to the residential, ancillary and commercial accommodation (as appropriate).

No building within the relevant phase of development shall be brought into use until these facilities have been provided in accordance with the approved details and, thereafter, such facilities shall be retained.

Reason: To ensure that servicing, general waste and recycling facilities are provided and managed in an acceptable manner, in the interests of highway safety and amenity.

13. No construction work shall commence until a detailed Employment and Training Strategy, which is designed to maximise local opportunities for employment from the construction phase of development, has been submitted to and approved by the Local Planning Authority.

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

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

14. No construction work 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 of the completed development will 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 shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to an 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.

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

15. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority. The scheme shall include the following details:

- a) all hard materials, including samples when requested;
- b) tree and plant species, sizes, numbers, locations, planting methods (for trees) and soil depths including future maintenance strategy;
- c) the design of any proposed steps and ramps;
- d) the design of any proposed furniture (seating etc)
- e) the design of the proposed roof terrace (Block B) including any furniture and railing/guard features
- f) the design of any boundary treatments/gates or walls;

Thereafter, the landscaping works shall be carried out in accordance with the approved details before occupation of the building.

All proposed tree planting should be in accordance with BS 5837: 2012 (Trees in relation to Design, Demolition and Construction - Recommendations).

Reason: In the interests of the visual amenities of the locality, and to ensure the appropriate quality of development.

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

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

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

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

18. 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 approved NoiseAssess report ref. 12320.01.v3 (Aug 2018).
- 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);  
Bedrooms: LAFmax - 45dB (2300 to 0700 hours), not typically exceeded.

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.

The residential accommodation hereby permitted and which is influenced by low frequency noise from the adjacent electricity substation shall not be occupied unless an enhanced scheme of sound insulation works has been installed and thereafter retained. In addition to the above criteria, such scheme of works shall also be capable of mitigating noise from the substation to achieve the following:

d) All Habitable Rooms: Noise Rating Curve NR25 (at all times)

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.

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

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

19. The office accommodation shall not be brought into use unless a scheme of sound insulation works has been implemented and is thereafter retained. Such works shall:

a) Be based on the recommendations of an approved noise report.

b) Be capable of achieving the following noise level:

Noise Rating Curve NR40 (0700 to 2300 hours).

c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilations.

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

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

20. The residential apartments shall not be used for the purposes hereby permitted unless a scheme of sound attenuation works based upon the recommendations of the approved NoiseAssess report ref. 12320.01.v3 (Aug 2018) has been carried out. Prior to implementation, a further Detailed Design Stage noise report detailing a scheme of sound insulation and attenuation works shall have been submitted to and approved in writing by the Local Planning Authority. The report shall consider, assess and, where necessary, make recommendations to address the mitigation of the impact of noise from the adjacent large electrical substation on habitable rooms and external amenity spaces. Any such works shall be installed as approved and thereafter retained.

Reason: In the interests of the amenities of occupiers of adjoining property it is essential for these works to have been carried out before the use commences.

21. Before the commercial use(s) hereby permitted commence, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:
- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
  - b) Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:
    - (i) as a 15 minute LAeq, and;
    - (ii) at any one third octave band centre frequency as a 15 minute LZeq.
  - c) Be capable of restricting noise breakout and transmission from the commercial use(s) and any associated plant or equipment, to all adjoining residential accommodation to levels complying with the following:
    - (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
    - (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
    - (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
    - (iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

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

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

Reason: In the interests of the amenities of the locality and of the residential occupiers of the building.

22. Before the use of the development is commenced, Validation Testing of the sound 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 attenuation works thus far approved, a further scheme of sound attenuation 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.

23. 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.

24. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of adjacent dwellings from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
- b) Acoustic emissions data for the system.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the systems required cleaning and maintenance schedule.
- e) Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building.

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.

25. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

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

- a) been carried out; or

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

Highways Improvements:

- Milton Street (as shown in principle on Dwg 2289-01/SK101 - in the Traffic Statement)- including replacement P&D parking spaces if appropriate / alterations to Traffic Regulation Order
- Hodgson street (creation of vehicular access) including replacement P&D parking spaces if appropriate / alterations to Traffic Regulation Order

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway.

27. No above ground works shall commence until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footway/highway adjoining the site including the provision of tactile paving where appropriate, before the development is brought into use. The details/materials shall be in accordance with Sheffield Urban Design Compendium, and the full specification shall have first been approved in writing by the Local Planning Authority.

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

28. Within 6 months of the development commencing, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include:

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

Prior to the occupation of any dwelling, evidence that all the measures included within the approved Travel Plan have been implemented or are

committed shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

30. No amplified sound or live music shall be played within the commercial use(s) hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time. The specification, location and mountings of any loudspeakers affixed internally to the building shall be subject to written approval by the Local Planning Authority prior to installation.

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

31. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority and details of the size of cladding panels and fixing details 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.

32. A sample panel of the proposed masonry for each block shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of the building works on the relevant block and shall be retained for verification purposes until the completion of such works.

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

33. 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 and window surrounds
- Entrance features including doors and door surrounds
- Parapets
- Ramps including hand rails and glass screens
- External boundary walls and gates

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

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

34. Prior to occupation of any part of the development, full details of the proposed bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details before the building is occupied.

Reason: In the interest of ecology.

35. No above ground construction work shall commence until full details of proposals for the inclusion of public art within the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

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

### **Other Compliance Conditions**

36. 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.

37. The development shall not be used unless the car parking and cycle parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended, and shall not be sold or let separately to non-occupiers of the development.

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

38. The glazed facades of the commercial unit hereby approved shall not be obscured by vinyl displays or be obscured by the future occupiers' internal arrangements or shop fitting layout.

Reason: In the interests of the visual amenity in order to protect the open character of the commercial unit.

39. There shall be no internal shelving, racking systems or refrigeration units positioned in front of the glazed facades of the commercial unit windows.

Reason: In the interests of the visual amenity in order to protect the open character of the commercial unit.

40. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

41. The commercial units as shown on the approved plans shall not be combined at any time, and no more than 1 of the commercial units shall be in Use Class A4 (Public House).

Reason: In order to define the permission and in the interests of the amenity of existing and future residents.

42. The commercial uses hereby approved shall only be used between the hours of 0800 and 0030 hours the following day on all days.

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

43. 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.

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

The notice should be sent to:-

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

Telephone: 0114 273 6677

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

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

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

3. 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.

4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

5. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

Ms D Jones  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6136  
Email: dawn.jones@sheffield.gov.uk

6. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

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

Mr J Burdett  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6349  
Email: james.burdett@sheffield.gov.uk

7. 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

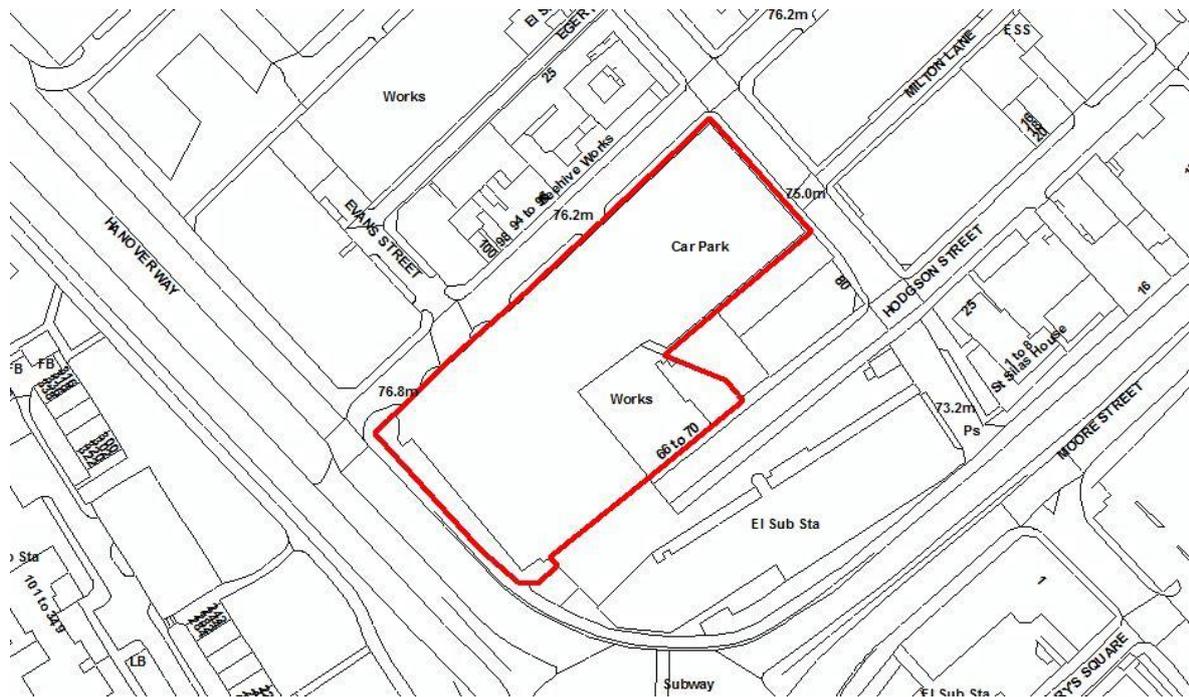
Telephone: 0114 273 6677  
Email: highways@sheffield.gov.uk

8. Plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when

measured at positions on the site boundary adjacent to any noise sensitive use.

9. 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.
10. You may need a Premises Licence under the Licensing Act 2003. You are advised to contact Sheffield City Council's Licensing Service for advice on Tel. (0114) 2734264 or by email at [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk).
11. The applicant is advised that the signage indicated on the submitted drawings is not approved as part of this permission and will require separate Advertisement Consent. To discuss arrangements for obtaining such consent, and to request application forms, the applicant should contact Development Control Section, Development Services, on Sheffield (0114) 2039183 or go to [www.sheffield.gov.uk/in-your-area/planning-and-city-development](http://www.sheffield.gov.uk/in-your-area/planning-and-city-development)

# Site Location



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## INTRODUCTION

Members will recall that this application was deferred from the Committee meeting on 6<sup>th</sup> August 2019 to allow for a second viability assessment to be conducted by an independent valuer/expert, and to allow for further comments to be obtained from Historic England (HE) on the additional information submitted by the applicant seeking to address HE concerns about views from the courtyard of the adjacent listed Beehive Works.

Your officers have commissioned Dr Andrew Golland (Andrew Golland Associates) to conduct an independent viability review of the scheme. He has also concluded that the scheme cannot deliver any contribution towards affordable housing provision. The Affordable Housing Section of this report has been updated to reflect this advice.

In respect of Historic England, the key HE officer has been on annual leave since the deferral of the application and until after publication of this updated committee report. They have been sent a copy of the committee report and the additional key views supplied by the applicant to address their remaining concerns. Historic England's further views will be sought as soon as the key officer returns from leave and any additional points that they raise will be addressed in a Supplementary Report. It should nevertheless be pointed out that your officers' view remains that the less than substantial harm caused by the scheme is justified when balanced against the overall benefits of the scheme.

## LOCATION AND PROPOSAL

The application relates to a parcel of land which is approximately 0.5 hectares and is currently used as a surface car park. Formerly the site was occupied by a car dealership with two storeys of showrooms and workshops, and would have originally been the site of 19<sup>th</sup> Century Cutlery Works and workers housing.

The parcel of land is bound by the Inner Ring Road, Milton Street, Hodgson Street, and Headford Street. It is rectangular in shape with the exception of the eastern corner (on the junction of Headford Street and Hodgson Street which contains 2 warehouse style buildings at No's 88 and 80 Headford Street). The existing surface car parking is split into two sections; the main car parking area accessed from Milton Street, and a small area of car parking accessed from Hodgson Street. The smaller area off Hodgson Street is set at a lower level and is bound by tall stone and brick boundary walls. The larger car parking site has security fencing around the perimeter.

The surrounding area is characterised by a mixture of retail, commercial, industrial and residential uses. Immediately adjacent to the site is the Electrical Substation to the south, the inner ring road to the west, Pryor Marking Technology warehouse and a row of brick terraced properties, including Beehive Works and Eye Witness Works on the opposite corner of Headford Street and Milton Street, and a vacant parcel of land which has surface car parking to the east.

The Moore Street Substation is a Grade II Listed Building, Beehive Works is Grade II\* and Eye Witness Works is Grade II.

Planning permission is sought for the demolition of the existing structures on the site, and to build a mixed use development comprising of 372 residential units, retail/commercial to the ground floor, car parking in the basement, and a shared private amenity space. Residential accommodation comprises of 5 live work units, 115 one-bed units, 230 two-bed units, and 22 three-bed units.

The proposal consists of 3 main blocks, Blocks A, B and C. Block A is an L shaped building which fronts onto Headford Street and Milton Street and ranges from 4 storeys up to 6 storeys, and contains 70 residential units including the 5 live work units. Block B is a T-shaped building which is located in the centre of the site, having a frontage onto Milton Street and Hodgson Street. It ranges between 5 and 9 storeys in height and contains 116 residential units. Block C is a rectangular block fronting onto the Inner Ring Road, and contains the retail/commercial element at the ground floor in a double height unit, with a 24 storey tower above towards the southern corner of the site closest to Moore Street roundabout, and 15 storey block towards the western corner of the site. 186 units are proposed within Block C.

The three blocks are connected by external shared areas, the main entrance to the development is via the Management Suite/Residential Hub from Milton Street which provides access to the lobby for Block B, with Block C accessed through the external communal shared amenity space. Block A has a direct access from Headford Street. There are further entrance points which are all gated from Hodgson Street and an entrance between Block A and B on Milton Street.

A basement level is proposed with access from Hodgson Street which provides 146 parking spaces, refuse storage, and 4 cycle stores under the main lobbies for each of the 3 blocks providing 210 secure cycle spaces.

## RELEVANT PLANNING HISTORY

There are a number of temporary consents dating back to 2008 for the site to be used for short stay car parking, the most recent being Ref: 18/02124/FUL which runs until 22 June 2021.

Planning permission was granted in 2004 for a mixed use development comprising of A1, A3, B1, D2 uses, with 233 flats and 9 live/work units, including basement car parking and a 22 storey tower under Ref: 03/03677/FUL. This permission was never implemented and has since lapsed.

16/03861/DPN – John Wragg & Co Ltd building demolished.

18/00934/EIA - In March 2018 an Environmental Impact Assessment (EIA) Screening opinion was submitted for the erection of a mixed use development comprising of 372 residential units, with ancillary facilities, commercial units, car parking and amenity space. It was deemed that an Environmental Statement was not required to accompany the planning application.

## SUMMARY OF REPRESENTATIONS

Historic England have commented on the proposal and have stated that should the proposal be recommended for approval, their comments should be treated as an objection. Their comments can be summarised as follows:

- Beehive Works is a Grade II\* Listed Building and is classified as being 'at risk'. Proposals for new development in the area will hopefully have a positive knock-on effect for the economic sustainability of the listed buildings, but development must not harm the setting of the buildings, nor impact negatively on their future viability.
- The south side of Milton Street has been extensively cleared and the current surface car parks do not contribute to the setting of the listed buildings.
- The footprint of the proposed development is consistent with the historic development pattern, with the blocks being located at the back-of pavement creating a strong building line along Milton Street.
- The historic buildings on the site would have been 3-4 storeys in height, and this application is a departure from this historic character. There is the potential for harm to the significance on the listed buildings, views along Milton Street, and views out of the listed buildings.
- We are comfortable with the scale of proposed Block A, in relation to the setting of the listed building; however Block B will have a dominating effect. Stepping the top floor storeys back from Milton Street would better respect the domestic scale of the listed buildings opposite and reduce the harm to their setting.
- Blocks B and C are the taller elements that will intrude into the views out of the courtyard at Beehive Works, which is considerable contribution to the significance of the listed complex, illustrating the metal trades processes that were undertaken at the site.
- It is recommended that further assessment of the potential impact and amendments are sought to reduce the harm, and that visualisations are provided to enable assessment on the impact on the courtyard. These elements may only be slightly visible which would be acceptable, but they could be intrusive and dominant in views out of the listed building.

One representation has been received from an occupier of a property at Hanover Towers on the opposite side of the Inner Ring Road. Issues raised include:

### Design

- There will be a loss of views of the Peak District and other features from the City Centre, and the proposal will change the views into Sheffield forever. The building is unsuited to the area, with no other buildings of this scale on this side of the ring road. This will be a complete change to what was a low rise industrial area.- The tall building will increase wind, with old people being in danger of being blown over or injured and trees being blown down on top of people or cars. The footpath is narrow, and people cannot just cross the road to avoid it.
- The proposal does not fit in locally, it is inward looking, gated, with green spaces closed off behind walls, unlike the low rise social housing in the surrounding area.

### Conservation

- The scale of the building is out of keeping with several key Heritage buildings, and will ruin any future development of them. Beehive Works is Grade II\* with there being only 5 buildings rated higher in Sheffield. Sheffield was built on steel to ignore our history is wrong. There are other Grade II Listed building nearby which will be negatively affected, with even the 1960's Electricity Sub Station Grade II.

#### Amenity

- The site is next to a busy ring road and roundabout. Even with sound proofing, it will be at the limit of regulation when people for good health need silence and not constant noise. Occupiers will not be able to open a window or use the balconies
- The building will reflect noise to occupiers of neighbouring buildings.
- There will be unacceptable noise, dust, pollution, asbestos and disturbance through the construction period on neighbouring properties.
- There will noise from the proposed retail units if late night bars/clubs are opened.
- Possibly students living in the development will create noise through shouting/singing/music etc.
- The building is very tall and long, and this means a large shadow will be created to the nearby buildings, including Pryor, Beehive and Eyewitness Works which will all lose sun particularly in the afternoon/evening whether they are industrial or residential.
- The proposed occupiers of the development will be able to look into the neighbouring high rise Hanover Towers flats, reducing existing privacy levels.
- The electricity sub-station was placed in an industrial area as it has huge magnetic fields, and transformers, that lead to various annoying low frequency noise and vibration which could cause major health problems.
- The outside amenity space will be noisy from the sub-station, will be overshadowed by the sub-station and will look directly towards the concrete façade of the sub-station.
- Pollution would be above minimum safe levels, with the test points in the report taken from site further away from the main road. The development would be bad for health especially children.

#### Fire Safety

- There is only one stairwell to the top of the building, the lifts seem to lack a fire fighting lobby, and there should be more fire doors.
- The fire brigade can normally only reach the 5<sup>th</sup> floor and the tower is located on the dead end road with no room to turn a fire engine.
- There are worries that the outer cladding panels and or wall insulation will be inflammable or the not have the correct fire breaks. There is no information relating to this within the application. This has been a problem on other buildings in Sheffield which had the same Alucobond as that present on Grenfell Tower.

#### Highways

- There will be a lack of parking on the site, with most flats needing more than one parking space.

- There will be an increase in cars in the areas, particularly at weekends and the evenings. The traffic survey only considers weekdays, and does not consider local factors. People will not use the buses as much as assumed.

#### Other Matters

- There has been a lack of consultation. This building would be the second tallest building in Sheffield, so widespread public consultation events are needed, along with individual letters to neighbouring properties.
- The council have a conflict of interests in the site, owning the freehold, which means they cannot make this decision objectively on the facts that it is under financial pressure.
- The site will be completely destroyed by digging down for the underground car park, will all archaeology lost.
- There are high levels of antisocial behaviour in this area, with the areas around the site not safe to walk in at night.
- There seems to be no affordable housing within the proposal
- Where will the children go to school?
- The current car park supports the Bluebell Wood Children's Hospice, is used for events including Tramlines, and children play football on the site.
- There are a number of elaborate street art works on the walls surrounding the car park and these will be destroyed.
- There are problems with nearby schemes, that have had financial problems and not fully built out, or have cheaper materials with corners cut, for example expensive sound proofing.
- The original application in 2003 was recommended by planning officers for refusal. The site did not include a now demolished works that is part of this current scheme which was/is owned by the Council.

#### STATEMENT OF COMMUNITY INVOLVEMENT

Following advice from officers, consultation was carried out in March 2018. This was in the form of 150 consultation letters sent to nearby properties. Two responses were received. One from the National Grid Asset Protection Team which outlines safe systems of work near substations. The second was from a local business which raised a number of issues including if there was a demand for this type of development; impacts on existing infrastructure; where the existing displaced car parking is to go; whether there is sufficient parking proposed for a development of this scale; and concerns about the amount of daylight into Beehive Works.

A response was issued by the developer outlining that these issues would be taken on board as part of the design process.

#### PLANNING ASSESSMENT

The National Planning Policy Framework (NPPF) sets out the Government planning priorities for England and how these are expected to be applied. The key principle of the NPPF is to ensure sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as

in people's quality of life. The following assessment will have due regard to these overarching principles.

## Land Use

The application site is located within an area designated as Fringe Industry and Business within the adopted Sheffield Unitary Development Plan (UDP). Policy IB6 of the UDP relates to development in such areas and advises that whilst Business (B1), General Industry (B2) and Warehousing (B8) are the preferred uses, a range of other uses are considered acceptable. These including small shops (A1); food and drink (A3); leisure and recreation (D2); and housing (C3).

In recent years, the local area has seen a significant shift in land use, following the introduction of the Core Strategy. This has resulted in B2 and B8 users no longer being considered appropriate in this area as a result of Core Strategy Policy CS6 part (e) which relates to the southern part of Devonshire Quarter, and identifies this part of the City Centre as a 'Transition Area' where the expansion of manufacturing uses is to be discouraged.

Core Strategy Policy CS17 part (f) (Devonshire Quarter) now promotes a wide range of uses within the area, but specifically city living, niche shops, restaurants and bars, and a variety of business uses. Policy CS3 'Locations for Office Development' encourages office use in the City Centre, although CS4 'Offices in the City Centre' does not identify this location as specifically important within the City Centre for offices. These Core Strategy policies were reflected in the proposals in the draft City Policies and Sites that proposed both a Business Area and a Central Housing Area designation in this location where a range of uses would be acceptable. The draft City Policies and Sites recognised the importance of this site for potentially delivering both housing and employment benefits by proposing a site allocation (P00073) for office and housing uses. Whilst some office use on the site would be the ideal, the uses proposed are considered acceptable, and at this stage, the City Policies and Sites document has little weight. It is referenced to show the change in direction of policy development since the allocation of the site in the UDP as Fringe Industry and Business.

## Housing Land Supply

NPPF paragraph 73 requires local authorities to identify a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their housing requirement with an additional 5% buffer.

Core Strategy Policy CS22 'Scale of the Requirement for New Housing' sets out Sheffield's housing targets until 2026 and identifies that a 5 year supply of deliverable sites will be maintained. However, the NPPF now requires that where a Local Plan is more than 5 years old, the calculation of the 5-year housing requirement should be based on local housing need calculated using the Government's standard method.

Sheffield is in the process of updating its 5-year housing land supply position, however given the changed assessment regime identified in the revised NPPF

(2019) and associated Practice Guidance further detailed work is required. We will therefore be undertaking additional engagement with stakeholders before publishing our conclusions in a monitoring report. At this time decisions should therefore continue to be taken in light of the SHLAA Interim Position Paper (2017), which shows a 4.5 year supply of sites. The proposed 372 residential units will help significantly to contribute towards the 5 year supply.

Policy CS23 of the Core Strategy 'Locations for New Housing' states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. Core Strategy Policy CS24 'Maximising use of Previously Developed Land for New Housing' seeks to try and ensure that priority is given to developments on previously developed sites. The site is classed as previously developed (brownfield) land within the main urban area, meeting the requirements CS23, CS24, and the NPPF.

### Housing Density and Mix

Policy CS26 'Efficient Use of Housing Land and Accessibility' within the Core Strategy requires appropriate housing densities to ensure the efficient use of land. It accepts that the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities. At this location in the city centre, a minimum density of 70 dwellings per hectare is required.

This scheme achieves a density which is well above the range set out in the policy. However, exceptions may be made to the policy where the proposal achieves good design and reflects the character of an area. This high density is considered acceptable as a result of this being a large urban development of significant scale in a location which is close to other large scale developments.

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

The property mix proposed in this development is 115 one-bed units (31%) 230 two-bed units (62%), 22 three-bed units (6%), and 5 live work units (1%). Whilst there is a majority of 62% of 2 bedroom units, it is identified that that there is a greater need for 2 bedrooms homes in this part of the City Centre, given the fact that there have been a significant number of recent approvals which have a high proportion of 1 bed and studio units. This proposal will somewhat readdress the balance in the city centre overall.

In the wider scheme of things the proposal is considered on balance to meet the requirements of Policies CS26 & CS41 of the Core Strategy.

### Archaeology

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

An Archaeological Desk-Based Assessment has been carried out and accompanies the planning application. It anticipates that any archaeological remains will relate to the mid-19<sup>th</sup> Century cutlery works and workers housing, and also the brick industry from the first half of the 19<sup>th</sup> Century. The application is also accompanied by a Written Scheme of Investigation for Archaeological Works which sets out the objectives and methods for the evaluation trenching, together with post-excavation analysis, reporting publication and archiving.

Ideally these works would be carried out to inform the planning application but with the existing use on the site, this has not been possible. The South Yorkshire Archaeology Service has confirmed that the developer will need to follow the recommendations of the WSI and that this may impact on the delivery timetable for the scheme. A condition is proposed to ensure that the recommendations of the WSI are followed before construction works start on site.

The proposal is considered to be compliant with relevant NPPF guidance and Policy BE22.

### Design Proposals

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. Particularly in large scale developments the materials should be varied and the overall mass of buildings broken down

This is mirrored in Core Strategy Policy IB9 'Conditions for Development in Industry and Business Areas' which says the new development will be permitted that is well designed and of a scale and nature appropriate to the site.

Chapter 12 of the NPPF reinforces these principles, and requires good design, where paragraph 124 states that good design is a key aspect of sustainable development and should contribute positively for making places better for people. Paragraph 130 requires that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Paragraph 131 goes on to say that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally so long as they fit in with the overall form and layout of their surroundings.

### Layout

The site is within the Devonshire Quarter as identified in Sheffield City Centre Urban Design Compendium. The quarter has a gridded street pattern with buildings positioned tight to the back of the footway and a relatively consistent use of red brick, all of which contribute to the distinctive character of this part of the city centre. Despite having undergone considerable change, a number of prominent heritage assets have been retained, including the listed Beehive and Eyewitness Works to the northeast of the site, and the modernist electric substation to the southeast.

At its core, the Devonshire Quarter is dominated by the tight historical grain detailed above. However, the southern and eastern edges are defined by civic highways infrastructure, the inner ring road and Charter Row respectively. These have a very different scale and character, marking the edges of the retail core and the start of the Ecclesall Road corridor. As a consequence, the site needs to accommodate a transition in townscape character.

The basic principle of establishing a housing-led development in the area, using a form that responds to variations in the local context, is welcome. The development has the potential to make a positive contribution to both the built form of the city centre and to the emergence of the Devonshire Quarter as a vibrant urban neighbourhood.

The proposed layout and arrangement reinforces the back edge of the pavement character that is predominant within the area, with vehicle access is to be taken from Hodgson Street. Pedestrian access is taken primarily from Milton Street, but also from the corner of Headford Street, and along Hodgson Street. Live/work units are proposed along Milton Street which will provide an active frontage, with commercial units along the frontage with the Inner Ring Road.

Two courtyards are proposed, one between Block A and Block B, and one between Block B and Block C. This allows for sufficient space between the buildings, and for a landscape area to be created. This area will face towards the south, so will receive natural sun light. It is intended to utilise shuttered concrete in these courtyards to mirror that of the existing listed substation. The finer details of the landscaping can be controlled through condition.

The Urban Design Compendium established specifications for the quality of paving materials and street furniture to be adopted throughout the city centre. This will establish a good standard of design that is consistent with proposals being promoted elsewhere in the city centre. The specification for the works will need to be the subject of a detailed highway design project.

Overall, it is considered that the layout of the proposal is acceptable, and will reinforce the street pattern in the area.

### Scale and Massing

Policy CS75 'Improvements to Gateway Routes into and through the City' lists the Inner Ring Road as a gateway route with priority for improvements. Policy CS76 'Tall

Buildings in the City Centre' accepts that elegantly designed and appropriately sited tall buildings creating landmark structures can help to define gateways into the city. This is mirrored in the Sheffield Urban Design Compendium which states that Tall Buildings can play a positive role in the design of the City Centre and act as focal points of activity such as major gateways into the City Centre. The Moore Street junction is identified within this document as being a suitable site for tall buildings. In respect of the immediate street scene, there are a number of tall buildings visible in the surrounding area, including New Era Square and Velocity Tower which are 20+ storeys in height and there is a recent permission for a 17 storeys building at the former Stokes Tiles close by, which is currently under construction. On the opposite site of the Inner Ring Road is Hanover House which rises to 17 storeys. This is a gateway route into the City Centre, which has a temporary surface car park use on it and is considered to be a prime location for redevelopment. The principle of a large scale development, including an element of tall buildings is considered acceptable in this location.

#### Block A,

Block A is an L shaped building which fronts onto Headford Street and Milton Street and ranges from 4 storeys up to 6 storeys. The scheme presents 4 storeys fronting directly onto Milton Street opposite the listed terrace, and as the block moves away along Headford Street, it rises to 5, then up to 6 storeys. This respects the scale and massing of the adjacent buildings, complementing the terrace on the opposite side of Milton Street.

Planning permission has been granted for a scheme on the opposite side of Headford Street which is 6 storeys high along this boundary. The elevation to Milton Street has been amended to have greater emphasis and scale to the ground floor live/work units through lifting the horizontal banding and increasing the brickwork above the units. This mirrors the fenestration hierarchy on the existing terrace opposite and makes it clearly distinguishable from the upper floors, and appearing less squat. Each of the live/work units has a separate entrance taken directly from Milton Street. The entrance to this block has greater expression though the inclusion of a frame surrounding the glazing to allow it to have a stronger presence onto the street. Flat roofs have been incorporated in the design along the Headford Street elevation, with the removal of the pitched roof elements which was considered not to be a contextual response. This results in a more crisp design approach. The south east elevation which is a blank gable end has incorporated projected brickwork details to help to break up and provide interest to this element.

#### Block B

Block B is a T-shaped building which is located in the centre of the site, having a frontage onto Milton Street and Hodgson Street. It is seen as the transition block which ranges between 5 and 9 storeys in height. The taller block at 9 storeys is predominantly within the site, and towards Hodgson Street, but does have a section that faces onto Milton Street. There has been a break in the massing of this block, which was originally considered to be too uniform in nature. This has been created by incorporating a feature metal panel spanning the whole break. The refuse platform lift and main entrance to the larger shared courtyard area facing onto Milton

Street has been treated differently making it appear as a separate feature, taking a more industrial appearance to reflect the character of the more industrial buildings opposite.

## Block C

Block C is a rectangular block fronting onto the Inner Ring Road, and contains the retail/commercial at the ground floor in a double height units, with a 24 storey tower above towards the southern corner of the site closest to Moore Street roundabout, and 15 storey block towards the western corner of the site.

The Inner Ring Road is a wide expanse of highway which encloses the city centre. It is appropriate for the tallest buildings within the development to front onto the Inner Ring Road. There are other tall buildings in the area, including the 17 storey residential block at Hanover House, and the 22 storeys at Velocity Tower. The Velocity Tower scheme originally proposed a further 8 storeys on top of the built scheme which have never been implemented. (Total of 30 storeys).

The building will be viewed from a wide area of the city, and it is important that the design is high quality. The 'tower' is considered to be slender and will stand out as a key landmark building. It will not obstruct any key views into or out of the city.

A number of changes have been incorporated into the design. There is a distinction between the 'tower' and the 'lower' element, with greater horizontal emphasis within the tower, glazed panels between them, and a change in material. The top 3 floors of the tower have full height glass to provide a 'crown' to the development which is lightweight as will reflect the sky beyond. The tower has a slender appearance. The ground floor retail units have full height two storey glazing facing the Inner Ring Road, with the piers to the ground and first floor widened to help ground the building, along with ensuring that there is an active frontage at street level.

### - Appearance/Materials

The contemporary design approach is considered acceptable, and it presents a well detailed proposal which is of a high quality design. All of the 3 blocks have well-defined fenestration, showing a clear hierarchy.

Careful consideration has been given to the different materials proposed on different parts of the development. Those elevations which face towards Milton Street have a traditional red brick to reflect the character of the brick terrace of Beehive Works opposite. As you move towards the centre of the site and closer to the Inner Ring Road the materials change to a lighter brick. Deep reveals are proposed throughout the proposal. Balconies take an industrial steel appearance fronting the traditional listed works buildings, transitioning to contemporary glass balconies on Blocks B and C.

Large scale drawings of the finer details including the window reveals, ground floor entrances, brickwork modelling and other details can be controlled through condition to ensure appropriate high quality finishes.

Overall it is considered that the development is well designed and complies with Policies BE5 and IB9 of the UDP, Core Strategy Policy CS74 and CS76, and the principles of Chapter 12 of the NPPF.

### Impact on Setting of Listed Buildings

UDP Policy BE19 'Development Affecting Listed Buildings' requires that the proposals for development which affect the setting of a Listed Building will be expected to preserve the character and appearance of the building and its setting. This is in line with guidance contained in the NPPF at Chapter 16 'Conserving and enhancing the historic environment'. A similar duty is required by Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990, which states that the local planning authority shall have 'special regard to the desirability of preserving the building or its settings or any features of special architectural or historic interest which it possesses'.

The brick built terrace on the opposite side of Milton Street consists of 3 residential properties and Beehive Works. The residential part of the terrace is Grade II with Beehive Works being Grade II\*. The terrace is a long three storey building under a pitched roof, with regular fenestration pattern. Street scene drawings including sections submitted with the application show that whilst the proposal of Block A which is directly opposite will be slightly taller it is not considered to overwhelm the Listed Terrace. Our assessment of this impact is mirrored in Historic England's comments which say that the scale of Block A and the footprint at the back edge of the pavement respect the historic context of the site.

Historic England considered that the footprint of Blocks B and C are acceptable and reflect the historic street pattern, but have raised objections to the scale of these Blocks. This is in terms of the views of the listed buildings from Milton Street, and views out of the courtyard area.

It is evident that the surrounding area is going through a transformation, and a number of permissions have been granted for substantial multi storey developments in close proximity to the site. It is your officers' view that whilst Blocks B and C are taller than the listed buildings, they will not dominate them to a significant level. There has been approval for a tall building on the site in the past (which did not proceed), and there are views of other tall buildings in the same context (at Hanover Towers, when looking down Milton Street, between the proposed development and the listed building).

Whilst the architectural design and treatments are deliberately contemporary, the proposal does respect the scale and proportions of the listed terrace. Amended plans have been received which show the design of the elevation facing Milton Street mirroring the fenestration details and hierarchy of the listed terrace with more emphasis on the ground floor units. The use of a good quality red brick will complement the red brick on the listed terrace. Balconies along this elevation are constructed of steel, maintaining the industrial appearance, rather than glazed which are found elsewhere on the scheme. Eye Witness Works is located on the opposite corner of Milton Street/Headford Street, and again, it is not considered that the

proposal will overwhelm the listed building, respecting the scale, proportions and fenestration patterns.

The Substation is a Grade II Listed Building. It is a unique Brutalist structure built out of unfinished concreted, featuring large bays.

The proposal is not considered to take away from the quality of the Substation, with design cues taken from it, with the amenity areas designed to reflect the shuttered unfinished concrete design.

The existing cleared site with surface car park and security fencing around its perimeter is considered to detract from the setting of the adjacent listed buildings, and therefore their removal will actually enhance and preserve the setting of the listed buildings. The construction on the site of any built form undoubtedly has an impact on the settings of the surrounding listed buildings, but in this instance, the modest scale of the proposal, especially along Milton Street for Block A is not considered to dominate the listed buildings, and any negative impacts on the setting are considered to be less than substantial.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, (the setting of the listed buildings in this instance), greater weight should be given to the asset's conservation.

Paragraph 196 requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (as is considered to be the case here), this harm should be weighed against the public benefits of the proposal. The public benefits of the proposal are that the site will deliver 372 units to the housing market, which would provide employment opportunities during construction; and post completion within the retail units and the management of the building/communal Hub. In addition, the proposal would develop a brownfield site and bring significant regeneration benefits to the area and the city centre as a whole.

Overall, the contemporary design is high quality and will complement the existing townscape. Quality detailing, and materials can be controlled through relevant conditions. Therefore it can be concluded that overall the proposal will preserve and enhance the setting of the listed building, meeting the requirements of the UDP and NPPF policies, and Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990.

#### Micro Climate

#### Wind Study

An Environmental Wind Study was submitted as part of the original submission, which was a desk based study. The study was based on drawings, an evaluation of aerial views, and a computer generated study.

The acceptability of windiness is subjective and depends on a number of factors. The Lawson Criteria is used to describe acceptability for particular activities in terms

of 'comfort' and 'distress' (or safety). The comfort criteria is listed as 'Sitting' (reading a newspaper, eating or drinking), 'Standing' (appropriate for bus stops, window shopping and building entrances), 'Walking or Strolling' (General areas of walking and sightseeing) and 'Business Walking' (local areas around tall buildings where people are not expected to linger). The distress criteria is listed as 'General Public Areas (Above which the less able and cyclists may at times find conditions physically difficult) 'Able-bodied Access' (Above which it may become impossible at times for an able bodied person to remain standing) and 'Restricted Access' (Conditions may be dangerous at times for pedestrians and vehicles).

The original desk based wind studied concluded that there were a number of areas of concern, and the massing of the originally submitted application was likely to create excessive windiness for pedestrians general public access use, and it recommended that wind tunnel testing is carried out to quantify the windiness.

Two separate assessments where made over 3 days, using a wind tunnel and 1:300 scale model of the proposed development and all surrounding buildings within approximately 400 metres of the site.

The wind tunnel model was tested in the worst season conditions, with the conditions for General Public Access at street level exceeded in several locations mainly along Milton Street. Various mitigation measures have been investigated and further testing carried out, and the conclusion was that the best results were when the residential units above the retail unit on the corner of Milton Street and the Inner Ring Road where omitted, and thus streamlining the wind flow around the development. The wind conditions around the proposed development at ground floor level showed significant improvements. Wind conditions along the Inner Ring Road, and Hodgson Street are acceptable for the anticipated general public access, with entrances to the commercial areas 'standing'.

Windiness in more heavily trafficked pedestrian areas around the proposed development now meets the 'general public access limits, with the exception of a short length along Milton Street where the limit is exceeded by less than 10%, which takes it just into the 'Able Bodies Access' range which is considered to remain adequate for less critical access routes.

There are no areas surrounding the proposed development which take the windiness level into 'Restricted Access' whereby it may be dangerous at times for pedestrians, and therefore it is considered that the proposal is acceptable from a wind perspective.

### Sunlight and Daylight Study

NPPF paragraph 123 (c) states that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. When considering applications for housing, authorities are told to take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site, provided that the resulting scheme would provide acceptable living standards.

Whilst we do not have a specific policy for assessing the acceptability of daylight and sunlight, it is considered reasonable to use the BRE assessment method. Where a new development can block light to existing homes, the BRE's daylight assessment is based around the Vertical Sky Component (VSC) within or without the development. This sets out a number of parameters and is a measure of the amount of sky visible.

Analysis of results for the future users of the proposed development shows that 100% of the living rooms, and 88% of bedrooms meet the respective average daylight factor criteria. Two of the three external amenity areas within the proposed development also meet the respective criteria. It is the courtyard adjacent to the proposed tower and closest to the sub-station building that does not meet the minimum requirements, however supplementary analysis shows that this space exceeds the target during the summer months when higher use of the amenity space is expected.

The majority of the surrounding properties are unlikely to experience a significant reduction to the natural light available, with only a minor number of windows which will experience a noticeable loss in the available skylight. These are limited to 94, 96, 98 and 100 Milton Street which are residential properties. Other properties which will experience some impact are the commercial properties within Beehive Works workshops and the Pryor Technologies workshop whereby they are considered to have a lower requirement for natural light.

The impact on sunlight and overshadowing is a consequence of high density city living, which is one of the city's key planning objectives and brings wider sustainability benefits. This includes re-developing vacant / underused brownfield land and protecting green spaces. Therefore, on balance, it is concluded that the impact on the daylight and sunlight for these limited number of existing residential windows identified is outweighed by the benefits of the proposal and not so harmful that permission should be refused on amenity grounds.

Regarding the solar reflection, there is the potential for reflected sunlight from the proposed development, but this will be for very short durations and its potential impact is considered negligible.

#### Amenity issues

Paragraph 127 within the NPPF states that the planning system should always seek to secure a high standard of amenity for existing and future users.

Policy H5 'Flats, Bed-sitters and Shared Housing' of the UDP states that planning permission will be granted only if living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours.

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.

## Existing/Surrounding Occupiers

The closest neighbouring buildings are the Listed terrace and Pryor Marking Technology Works which are on the opposite side of Milton Street, the residents in Exeter Drive Flats, the flats with the 'Printworks' apartment block on the opposite side of Headford Street the 'Unit' café adjacent to the site on the corner of Headford Street and Hodgson Street. The Substation is located on the opposite side of Hodgson Street.

On the opposite side of Milton Street is the row of brick terraced properties. The east half of the terrace is Beehive works, which contains a number of small workshops and offices which are positioned at the back edge of the footpath, around a central courtyard area. Adjacent to Beehive works and occupying the west half of the terrace are 3 residential properties at 94, 96 and 100 Milton Street. The proposed development is positioned to the south of this terrace and is primarily 4/5 storey in height at the back edge of the footpath running the length of the terrace. At present these property have an outlook over a cleared site which is orientated south and therefore currently are afforded significant levels of direct sunlight. There will be an adverse impact of overshadowing to occupiers of these properties through the re-development of the site. The development maintains the townscape character, which is high density, back edge of the footpath development, and it is unreasonable to expect, or be offered the same degree of protection as residential property in a more traditional suburb. Realistically the application site would always be redeveloped, given its location and it having been cleared.

The proposed relationship of windows facing each other, separated by the highway is a common occurrence with high density city centre schemes and is acceptable in this location opposite the terrace.

Pryor Marking Technologies is positioned on the corner of Milton Street and the Inner Ring Road, and is a works building. The building rises up to 17 storeys on the corner which owing to the orientation will cast a shadow over the Pryor building. This building is not residential, and whilst it will be overshadowed, this is not considered to be to a detrimental level.

Located to the west of the site is the Exeter Drive flats. These are located approximately 65 metres away on the opposite side of the Inner Ring Road. The 26 storey tower is located to north/northeast of these properties. Any potential overshadowing will only occur for a very brief time first thing in the morning. No adverse overbearing or overlooking will be created from the proposal to occupiers of these flats which are sufficient distance away, and separated by the busy Inner Ring Road.

Occupiers within the 'Printworks' apartment block on Headford Street do have an outlook at the moment across the site. Therefore any development proposal on the application site will reduce the amount of privacy and daylight to these residents. Development in the surrounding area is all positioned at the back edge of the footpath to retain the townscape character. It would not be reasonable to expect, or be offered the same degree of protection as residential property in a more traditional suburb. The sun/daylight study demonstrates that there remains adequate light to

occupiers of the 'Printworks' apartments. The proposed relationship of windows facing each other, separated by the highway is a common occurrence with high density city centre schemes and is acceptable in this location.

The 'Unit' café is within a warehouse building which only has an outlook onto Headford Street. The proposal is not considered to impact on this outlook.

The Substation building is located on the opposite side of Hodgson Street and runs the entire length of the application site. Owing to the nature of the use, the proposal will not impact on this building.

All other properties are sufficient distance away from the proposal, and any residents/occupiers will not experience any adverse amenity issues.

Therefore the majority of residents in the neighbouring properties will not experience any adverse impact from the proposed development, with the exception of the 3 residential units at 94, 96 and 100 Milton Street. Occupiers of these properties will see a reduced level of natural day light and will be overshadowed. However, on balance, this is a minority of properties, and the regeneration benefits of the proposals outweigh the impact on these three properties.

#### Future Occupiers

The proposed units are primarily single aspect, taking an outlook over either the adjacent highways, or over one of the two courtyards proposed. All habitable rooms have large window openings and have a reasonable level of outlook and natural day light. Windows are positioned to ensure that there are no unacceptable levels of overlooking between adjacent flats within the scheme.

Amenity space is proposed within the two courtyard areas, and a roof terrace is proposed to part of the roof above Block B. Flats on the ground floor have external terraced areas, with the majority of the proposed flats having an external private balcony area. Furthermore, a two storey communal hub is proposed, which is accessed from Milton Street and the courtyard between Blocks B and C.

#### Noise Assessment

A noise assessment has been submitted with the application. Readings have been taken at various locations around the site. The conclusion is that the main source of noise is from road traffic noise, and low frequency noise and vibration from the adjacent sub-station. The noise report acknowledges that the low frequency hum from the substation currently exhibits a discernible degree of localised variation, which may be due to reflections from existing surfaces cause's standing waves. The new building could exacerbate this phenomenon. The report established that with a suitable scheme of sound insulation works, internal noise levels and noise levels in external amenity areas can be rendered acceptable and within the levels specified within relevant conditions.

Is it unlikely that the noise sources would be deemed a nuisance, or be intrusive above existing noise levels. Recommendations are made for glazing, insulation to walls and ventilation to achieve the appropriate internal noise levels.

The retail/commercial units could potentially impact on occupiers of the units directly above, and therefore hours of use, deliveries, and external plant details can be controlled through a relevant condition to prevent any future dis-amenity.

## Highways

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

UDP Policy IB9 'Conditions on Development in Industry and Business Areas' expects new development to be adequately served by transport facilities, provide safe access to the highway network and appropriate levels of off-street car parking, while the City Council's Car Parking Guidelines, which are to be interpreted as maximum standards, states that in the city centre up to one space per dwelling is appropriate.

UDP Policy BE9 'Design for Vehicles' expects developments to provide a safe, efficient and environmentally acceptable site layout for all vehicles (including cycles) and pedestrians.

The car parking entrance/exit is taken from Hodgson Street, which at this location is at the end of the cul-de-sac, with a basement level of car parking provided, which covers the whole site. 4 existing on-street parking bays are required to be removed along Hodgson Street to help the flow of two way traffic. The level of car parking provision is approximately 36% (147 parking spaces), with a total of 210 secure cycle parking spaces. The cycle parking is accessed from a separate access situated next to the proposed vehicular access point. 10 cycle spaces for visitors are created close to the entrance point to Block A.

The site is located within the city centre, close to existing services, shopping facilities, employment, and frequent transport links. Furthermore, given the fact that a permit parking scheme covers the adjacent roads, a reduction in maximum car parking standards is in accordance with Sheffield City Council Information Sheet Three: Car Parking Guidelines, and can be accepted so long as a condition is imposed to ensure future residents are not eligible for parking permits.

The existing entrance along Milton Street is to be stopped up and the footpath reinstated. Servicing to the development is proposed to take place from Milton Street. Two service bays are proposed in the highway, one close to the commercial units, and one adjacent to the refuse area.

The proposed maximum am peak hour trip generation is 67 two-way movements, and the pm peak hour trip generation is 81 two-way movements. This equates to just over 1 vehicle movement per minute. This trip generation associated with the residential element of the scheme has the potential to generate fewer trips than the

existing short stay parking on site, and this is due to the fact that the short stay spaces are likely to have a greater turn over per bay than the residential spaces. Planning permission was granted for a temporary period for 160 spaces, however on site, the capacity looks to be higher at an estimated 192 spaces.

There will be diverted vehicular trips made by vehicles accessing alternative car parking. There are a number of alternative car parks within the immediate vicinity of the site and it is not considered it will have a negligible impact on the operation of the highway and would certainly not result in the requirement for any form of alteration / improvement.

Strategies in relation to waste management can again be controlled through a condition. There is a large refuse area below Block B which can be accessed via a dedicated lift.

Overall it is therefore considered that the proposed scheme accords with the relevant highway policies and it is supported in this respect.

#### Access

The requirements of Policy H7 'Mobility Housing' of the UDP have been superseded by the Technical Housing Standards (2015), which effectively removes the requirement for mobility housing at this time as these standards are not part of an up to date local plan.

H15 'Design of New Housing Developments' within the UDP states that the design of new housing developments will be expected to provide easy access to homes and circulation around the site for people with disabilities or with prams.

In relation to the general layout, all buildings and approaches will benefit from level access. It is expected that all building entrances, ramps, steps, footpaths, lifts, crossing, mobility car parking spaces are all design to meet current standards.

Based on the above the proposals are considered to offer a suitable response from an access perspective.

#### Landscaping

At present the site is a hard-surfaced car park with no landscaping. UDP Policy BE6 'Landscape Design' requires that good quality landscaping design will be expected in new developments. The proposal follows the context of the surrounding built form which is back edge of the footpath development, and as such there are not large areas of soft landscaping. Two large courtyard areas are to be provided with side of Block B to provide amenity space for future residents. These areas have planting beds, grass lawns, social seating areas, and a BBQ area. On the edge of these courtyards, there are private terraces to the ground floor units.

A condition on any approval can ensure a detailed planting plan, including tree/plant locations, species, size, numbers, planting method, soil depths and future maintenance are all provided.

Therefore the proposal is considered acceptable in terms of Policy BE6 of the UDP.  
Ecology

UDP Policy GE11 'Nature Conservation and Development' expects the natural environment to be protected and enhanced. The design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

The site is currently vacant of buildings, with the majority of it being surfaced in tarmac. There is no evidence of any protected species on the site, or any within close proximity of the site.

In line with promoting biodiversity gain on the site, any soft landscaping proposed in the court yard areas should be using species which provide ecological value that would enhance the site and provide some additional diversity locally. Bird and bat boxes can be incorporated on the buildings as an additional measure.

Therefore the proposal is considered to comply with Policy BE11.

#### Sustainability

The NPPF advises that there is a presumption in favour of sustainable development. This comprises of three dimensions which must be considered together. These are an economic role, a social role and an environmental role.

In this instance, the site is a large vacant parcel of land (with the exception of the temporary car park) and will deliver economic regeneration to an important part of the city centre.

On a social role, the proposal will be providing a large number of 2 bedrooms private flats in an area of the city where there is a strong demand for this type of development providing more of a variety of house type. It will regenerate the area and provide a vibrant and welcoming environment.

In an environmental role, the proposal seeks to remove a vacant brownfield site which adjoins the Inner Ring Road and is in a visible position when entering the city with a high quality development. The proposal will take the opportunity to introduce soft landscaping features which will help to improve biodiversity.

Policy CS63 of the Core Strategy 'Responses to Climate Change' gives priority to developments that are well served by sustainable forms of transport, that increase energy efficiency, reduce energy consumption and carbon emissions and that generate renewable energy. Policy CS64 'Climate Change, Resources and Sustainable Design of Development' sets out a suite of requirements in order for all new development to be designed to reduce emissions. Policy CS65 'Renewable Energy and Carbon Reduction' sets out objectives to support renewable and low carbon energy generation and further reduces carbon emissions.

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.

A number of options are being looked at by the development including connecting to the District Heating Network which runs adjacent to the site. A condition can be attached to any approval to ensure that the minimum 10% is provided. Overall, it is considered that the proposal meets the local sustainability policy requirements, CS63, CS64 and CS65.

#### Drainage/Flood Risk

Core Strategy Policy CS67 'Flood Risk Management' states that the extent and impact of flooding should be reduced by incorporating a number of measures in developments. The site itself is located within Flood Zone 1 and therefore not at any significant risk of flooding.

The site is entirely impermeable and drained to the combined public sewers, with the site being considered unsuitable for infiltration and there are no watercourses close to the site. Therefore it is proposed to provide separate systems of surface and foul water drainage on site which will drain to the existing combined sewers. There will be a requirement to reduce the existing surface water run-off, and this can be achieved by a large storage tank that would cater for the 1 in 100 year event plus +30% for climate change. This will then have a flow control device to limit the forward flow to the existing combined public sewer. Conditions can be attached to any approval requiring the finer details of how this is to be achieved.

#### Ground Conditions

The site lies within a low Risk Coal Mining Area, and as such the Coal Authority has no objection to the proposal, and just recommends The Coal Authority's Standing Advice is included on any approved application.

A Phase I Geo-Environmental Appraisal has been submitted, which recommends a Phase II intrusive investigation be carried out. The details of which can be controlled through a suite of relevant conditions.

#### Air Quality

The Council declared an Air Quality Management Area across the whole of the urban area of the city, and this site falls within that area. An Air Quality Action Plan details how to reduce pollution in Sheffield. This is mirrored in Policy CS66 'Air Quality' of the Core Strategy, which seeks to improve air quality.

The site at present is used as a short stay car park, and vehicle movements associated with the proposed development will be less than the existing use, and will not adversely impact on air quality.

During construction, dust will be released, and in order to tackle this, a planning condition can be attached to any approval to secure dust suppression measures.

## Affordable Housing

Policy CS40 (Affordable Housing) within the CS states that developers of all new housing schemes of 15 units or greater will be required to contribute towards the provision of affordable housing where this is practical and financially viable.

Within the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (2015) the site falls in the City Centre West area. Sites within this area have a target of 10% for affordable housing provision.

In this case the applicant has stated that it would not be viable to make an affordable housing contribution as part of these proposals and has provided a financial appraisal to evidence this.

The submitted information was originally considered by CP Viability, acting as an independent valuer/expert on such matters, and they have confirmed it would not be viable to provide an affordable housing contribution. Whilst officers originally recommended that this figure should be accepted, given the wider regeneration benefits of the scheme, Members did not accept this recommendation and deferred the application to allow for a second viability assessment to be conducted by an independent valuer/expert.

Your officers have commissioned Dr Andrew Golland (Andrew Golland Associates) to conduct an independent review in the form of a second independent viability assessment. His conclusion is that the scheme cannot deliver any contribution towards affordable housing provision. This is because the costs of delivering a scheme of this mass and density are very high but sales values are relatively modest, therefore there is insufficient margin to allow a contribution to be taken. Andrew Golland Associates have advised us that this is not a unique issue to Sheffield; schemes like this are generally only generating a surplus in very high value areas such as inner and central London.

On the basis of two independently commissioned viability reports your officers are clear that this scheme cannot deliver an affordable housing contribution.

## Community Infrastructure Levy (CIL)

The CIL 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 3 with the charge for this development being £30 per square metre.

## Response to Representations

The majority of issues raised through the representations are discussed in the above report. Those which are not, are addressed below:

- The level of consultation meets the requirements found in the Council’s Statement of Community Involvement, whereby immediate neighbours have been consulted by letter, 8 site notices have been posted and adverts have been published in the newspaper.
- The proposal is for a brick façade for the majority of the elevations. Final details of the materials can be controlled through a condition. Whilst acknowledging that this is a serious issue; the fire safety properties of the materials are currently dealt with through the Building Regulations, rather than through planning legislation. The same is true of the requirements for fire doors and fire lobbies. The highways service have assessed the proposals and this includes reviewing the accessibility of the site by the emergency services.
- The loss of the Art work graffiti on the site is not something that can be protected, or re-used as part of the redevelopment of the site.
- The proposal consists of a mixture of 1, 2 and 3 bedroom units. There could be families occupying the building, and it is envisaged that the local schools will be able to accommodate these children. Nevertheless, as stated above, the scheme is liable for the CIL and the provision of education facilities is included on the Regulation 123 list of Infrastructure Projects.
- The standard guidance for noise impact assessment methodology, requires that microphones are positioned at 3+ metres away from reflecting surfaces to avoid a requirement for a correction factor for noise reflected by buildings. All neighbouring properties are significantly further away from the recommended 3 metres for noise reflection.
- The ownership of the site is immaterial to the determination of this application and has no influence on it
- The redevelopment of the site and increasing population in the area is expected to be a catalyst to reducing anti-social behaviour.

## SUMMARY AND RECOMMENDATION

The proposed development meets the key land use policies outlined in the report above. The redevelopment of this vacant (with temporary car park use) parcel of land in this prominent location is welcomed as a major regeneration boost to this part of the city centre.

The scheme proposes a high quality design that features a tall building in this gateway location, whilst respecting the overall character of the surrounding area.

The proposal is acceptable in highways terms, providing sufficient off street car parking, cycle parking and servicing arrangements, and will not adversely impact on the surrounding highway network.

The proposal will deliver a high density development, on a brownfield site in a sustainable location which will bring positive regeneration benefits, including the provision of 372 residential units at a time when the city does not have a 5 year supply.

The main negative aspects of the proposal are that some dis-amenity to occupiers of 94, 96 and 100 Milton Street through overshadowing will occur, and that the

development will lead to less than substantial harm to the setting of the listed buildings. This has to be balanced against the public benefits.

The proposal does not entirely accord with Core Strategy Policy CS41 in that more than 50% of the units are a single house type (2 bed units). However there have been a large number of predominantly 1 bedroom and studio flats granted permission recently in the surrounding area, such that this proposal would redress the balance and give greater variety of choice to residents wishing to live in the city centre, which is to be welcomed.

In light of the above, and notwithstanding the objection received from the member of the public and the objection from Historic England in respect of Blocks B & C, it is your officers' view that the regeneration benefits of the scheme and the supply of 372 dwellings where the authority does not have a 5 year supply, outweigh the less than substantial harm to the setting of the listed buildings and the other minor disbenefits referred to in the report.

It is concluded that the proposals are acceptable and in broad compliance with the adopted local plan and national planning policy. Therefore, it is recommended that the Members of the Planning Committee approve the application subject to the listed conditions.

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Case Number	18/03406/FUL (Formerly PP-07261920)
Application Type	Full Planning Application
Proposal	Erection of 19 apartments in 1x 3/4-storey block with associated landscaping and provision of car parking (Resubmission of planning permission 17/04555/FUL) (Amended Plans received 9th July 2019)
Location	Land At Horndean Road And Barnsley Road Sheffield S5 6UJ
Date Received	05/09/2018
Team	West and North
Applicant/Agent	Coda Planning Ltd
Recommendation	Grant Conditionally

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

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

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

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

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

Elevations - Dwg No(07)001 rev B  
Ground and First Floor Plans - Dwg No (08) 001 rev B  
Second and Third Floor Plans - Dwg No (08) 002 rev B  
Roof Plan - Dwg No (08) 003 rev B  
Proposed Site Plan (09) 001 rev C

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 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.

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 to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to

be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out in accordance with the approved details.

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

6. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-

- The parking of vehicles of site operatives and visitors;
- Means of access for construction traffic;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Measures to prevent mud/debris being deposited on the public highway.

Reason: In the interests of the appropriate development of the site.

7. No development shall commence until details of finished site and floor levels, including details of the design and construction of any new retaining walls that may be necessary shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved details.

Reason: In the interests of the appropriate development of the site.

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

8. 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:

- a, Balconies
- b, Brick work detailing
- c, Windows
- d, Doors

e, Parapet

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

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

9. 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.

10. The development shall not be used unless the cycle parking accommodation as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport it is essential for these works to have been carried out before the use commences.

11. The development shall not be used unless the car parking accommodation for 12 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

12. The existing stone boundary wall fronting Barnsley Road shall be retained. Prior to any above ground works full details of a suitable means of site boundary treatment to all other site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless such means of site boundary treatment have been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

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

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

14. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been implemented and thereafter retained. Such works shall:
- a) 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).
  - b) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

15. Before the use of the development is commenced, Validation Testing of the sound 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 attenuation works thus far approved, a further scheme of sound attenuation 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.

16. The proposed green roof(s) (vegetated roof system) shall cover a minimum area of 80% of the roof and shall be provided prior to the use of the building commencing. Full details of the green roof construction and specification, together with a maintenance schedule, shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. Unless an alternative specification is approved the green roof shall include a substrate based growing medium of 80mm minimum depth and incorporating 15 - 25% compost or other organic material and the vegetation type shall be herbaceous plants. The plant sward shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

17. 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 an 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.

18. The development shall not be used unless 2.0 metres x 2.0 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the means of access such that there is no obstruction to visibility greater than 600 mm above the level of the adjacent footway and such splays shall thereafter be retained.

Reason: In the interests of the safety of road users.

19. The development shall not be used unless a sight line with dimensions of 2.4 metres x 43 metres, has been provided at the vehicle entrance/exit to the site. When such sight line has been provided, thereafter the sight line shall be retained and no obstruction to the sight line shall be allowed above 1.05 metres above the nearside channel level of the adjacent highway.

Reason: In the interests of the safety of road users it is essential for these works to have been carried out before the use commences.

### **Other Compliance Conditions**

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

Reason: To ensure satisfactory drainage arrangements.

21. The gradient of shared pedestrian/vehicular access shall not exceed 1:12 .

Reason: In the interests of the safety of road users.

Attention is Drawn to the Following Directives:

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

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

Telephone: 0114 273 6677

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

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

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

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

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk)

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

6. Plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when

measured at positions on the site boundary adjacent to any noise sensitive use.

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

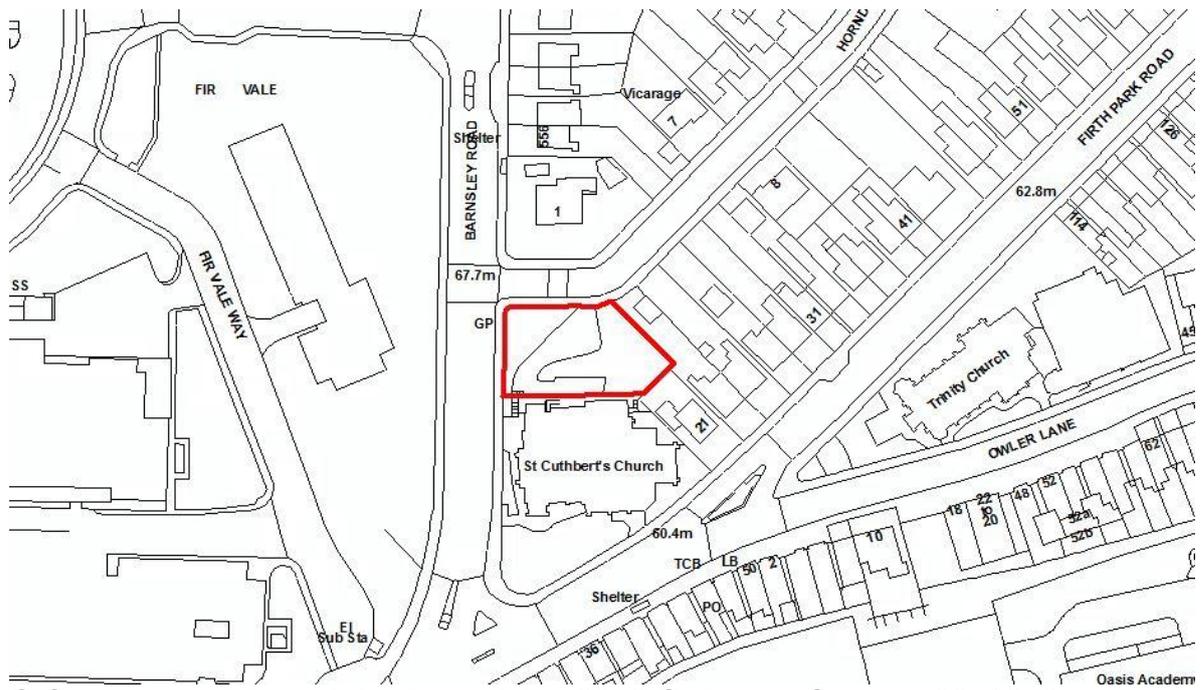
To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

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

## Site Location



## LOCATION AND PROPOSAL

The application relates to approximately 0.1 hectares of land located at the junction of Barnsley Road and Horndean Road in Fir Vale.

The site previously accommodated St Cuthbert's Church Hall, which was demolished many years ago. The application site has stood vacant ever since, is now overgrown and is currently fly-parked.

The site is adjacent to the Grade II listed St Cuthbert's Church which occupies a prominent position in the locality close to the junction of Barnsley Road and Firth Park Road / Owler Lane. The topography of the area rises to the north emphasising the dominance of the church.

The application site is in an allocated Housing Area as defined in the adopted Sheffield Unitary Development Plan (UDP). The locality is mixed in character. The area to the north and east comprises of terraced, detached and semi-detached dwellings. To the south, beyond the Church is the Fir Vale local shopping area. To the west across Barnsley Road is the Northern General Hospital site.

The site is bound to the north and west by Horndean Road and Barnsley Road, to the south by the church and to the east by the rear gardens of properties on Firth Park Road. The site is elevated above Barnsley Road by approximately 1.5 metres and retained by an existing stone boundary wall.

A previous application ref: 17/04555/FUL which sought permission to redevelop the site for 26 flats was withdrawn in April 2018. Planning consent is now sought for the erection of 19 one and two bedroom apartments contained in a 3/4 storey 'L' shape building. The proposal includes 12 parking spaces to the rear.

Planning consent has previously been granted on this site in 2006 for the erection of 12 apartments.

## RELEVANT PLANNING HISTORY

- 06/00404/FUL - Erection of 12 apartments and associated car parking and amenity space (additional plans received 13/3/06) - Granted Conditionally (Legal Agreement).
- 06/00405/LBC - Demolition of church hall and erection of 12 apartments and associated car parking and amenity space (additional plans received 13/3/06) - Granted Conditionally.
- 17/04555/FUL - Erection of 24 apartments in 1 x 4 storey block with associated car parking accommodation, cycle spaces and landscaping - Withdrawn.
- 17/04556/LBC - Erection of 24 apartments in 1 x 4 storey block with associated car parking accommodation, cycle spaces and landscaping - withdrawn.

## SUMMARY OF REPRESENTATIONS

7 letters of representation were received in relation to the first round of consultation, all in objection. One resident claims to have written on behalf of a number of other local residents in the area affected by the development.

The issues raised are summarised as follows:

- The area is subject to excessive traffic and parking issues mainly associated with the hospital.
- Residents struggle to park their own cars, and parking and access issues will only be made worse by the development.
- The position of the site access will lead to highways safety issues.
- The proposed development does not respect local context and street pattern or the scale and proportions of surrounding buildings and would be entirely out of character of the area to the detriment of the local environment.
- The scale of the proposal is unacceptable as there are no four storey buildings in the area.
- The proposal does not blend into the character of the area.
- The proposals will significantly affect the views of the church and its prominence particularly from the north.
- The building would block views of the church tower and lead to a loss of light to frequently used office space and community rooms.
- Limited provision for on-site amenity space.
- The granting of an application for 12 units previously on this site does not set a precedent for this development.
- Noise issues affecting the church's operations both during construction and operation of the building.
- Insufficient bin storage and concerns with how collection vehicles will access the site.
- Concerns that the church could be affected by water ingress if adequate drainage is not provided.
- Overdevelopment of the site leading to overlooking of adjoining residents and loss of light.
- The council must consider its responsibilities under The Human Rights Act (Protocol 1, Article 1) which states that a person has the right to peaceful enjoyment of all their premises which includes the home.
- Concerns with the stability of the land and further clarification is required in relation to retaining structures needed to separate the church from the development, new structures should not create maintenance issues for the church.
- If the development is allowed controlled hours of work should be imposed.

Following the receipt of amended plans a further round of consultation was undertaken. 5 letters of representation have been received, all in objection.

The issues raised are summarised as follows:

- The proposals will add extra hazards to already congested roads in the vicinity of the site.
- The applicant's statistical analysis of car ownership which indicates that they have provided more spaces than needed does not reflect the real life situation affecting the site.
- Yellow lines outside the site intensify parking and highways related issues.
- Inadequate number, size and design of car parking spaces.
- There are 64 dwellings on Horndean Road and 67 cars associated with the occupants of those properties; unfortunately no one uses a bike or other modes of travel except public transport. The statistical analysis offered by the developer does not reflect the real situation on site. The amendments do not address previous concerns.
- Two void spaces are provided in the building could these be used for further development/flats.
- Inadequate parking provision, spaces are not large enough.
- A number of previous objections still stand in relation to land instability, design, scale etc.
- The proposal will destroy the character of this family orientated area.
- Detrimental impact on the church, views of it, its setting and appearance.
- Extra parking generated by the development will spill over onto the highway.

## PLANNING ASSESSMENT

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The key aim of the NPPF is to deliver sustainable development, which has three overarching objectives: an economic objective – to help build a strong, responsive and competitive economy; a social objective - to support strong, vibrant and healthy communities; and an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment. The following assessment will have due regard to these overarching principles.

### Principle of Development

The site is in an allocated Housing Area as defined in the adopted UDP. Policy H10 identifies housing (use class C3) as the preferred use of land in the policy area. As such the principle of the redevelopment of this vacant site for housing purposes is considered to accord with Policy H10.

### Housing Land Supply

Policy CS22 of the Core Strategy sets out Sheffield's housing targets until 2026. The NPPF 2019 provides more up to date guidance on this matter and requires local authorities to identify a 5 year supply of specific 'deliverable' sites for housing.

The Council is in the process of updating its 5-year housing land supply position and in light of the recently changed assessment regime (identified in the revised

NPPF (2019) and associated Practice Guidance) further detailed work is required. The Council will therefore be undertaking additional work, including engagement with stakeholders, to reflect the requirements of national policy and guidance before publishing its conclusions in a monitoring report later this year (2019).

The Council cannot demonstrate a five year supply at this time and the Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites.

Furthermore the NPPF (Para 68) emphasises the important contribution small and medium sized sites, such as this, can make to meeting the housing requirement of an area. The NPPF confirms that local planning authorities should support the development of windfall sites giving great weight to the benefits of using suitable sites within existing settlements for homes.

This development will make a small but positive contribution towards the Council's housing land supply of deliverable sites, which is afforded appropriate weight as a material consideration in the determination of this application.

#### Efficient Use of Land

Core Strategy Policy CS26 seeks to make efficient use of land for new housing and identifies that a density of between 40-60 dwellings per hectare is appropriate in this location. More up to date guidance on the efficient use of land is contained in the NPPF which is considered to carry increased weight to Policy CS26.

The NPPF promotes making effective use of land in meeting the need for homes (para 117). It gives substantial weight to the value of using suitable brownfield land within settlements for new homes (para 118c). It also promotes and supports the development of under-utilised land. The redevelopment of this site is considered to accord with the above.

Paragraph 122 of the NPPF identifies that development that makes efficient use of land should be supported taking account of the need for particular types of housing; viability; availability of infrastructure and scope to promote sustainable travel modes that limit the use of the car; the desirability of maintaining the area's prevailing character and setting; or of promoting regeneration and change; and the importance of securing well designed and attractive places.

Greater emphasis (para 123 NPPF) is placed on making decisions that avoid homes being built at low densities where there is an existing or anticipated shortage of land to meet identified housing needs, as is the case in Sheffield.

This proposal will make use of an underutilised brownfield site in a sustainably located residential area. It will deliver a mix of one and two bedroom flats, in an area dominated by larger properties and so it will contribute to the mix of accommodation available and the city's overall housing land supply.

The proposal for 19 flats with a net site area of 0.1 hectares represents a density of approximately 190 dwellings per hectare. It is considered that the density of development proposed is acceptable, taking account of the site's proximity to local

shopping and leisure facilities in Fir Vale and access to high frequency bus services.

The site provides an appropriate amount of car parking, given its sustainable location, and the development is not considered to harm the amenity of adjoining properties or character of the area as a result of its density.

The site is not considered to be overdeveloped and the proposed density of development is considered acceptable in accordance with the guidance contained in the NPPF.

### Design Issues

Core Strategy Policy CS74 and UDP Policies BE5, H14 and H15 seek to secure high quality developments which are of an appropriate scale and which enhance the character and appearance of the area.

Para 124 of the NPPF identifies that good design is a key aspect of sustainable development. In relation to design, Para 127 of the NPPF 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.

The scale, siting and design of the building has been carefully considered in order to ensure it contributes to the appearance of the street scene and does not over dominate the adjoining listed church.

The scheme has been amended during the course of the application removing a metal clad mansard roof from part of the block fronting Barnsley Road, reducing the scheme to three storeys where it adjoins the church. Some of the accommodation has then been redistributed towards the Horndean Road frontage where the building transitions from four to three storeys. The building has also been set further back from Barnsley Road in order to expose the tower of the church in views from the north.

The proposed building occupies a prominent corner site with its primary frontage onto Barnsley Road. The footprint of the building is 'L' shaped wrapping around the north and west boundaries of the site with parking to the rear. A contemporary 4 storey element of the building is positioned on the corner of Horndean Road and Barnsley Road, the design of which reflects the strong horizontal emphasis of the neighbouring church's stone tower. The proposed building is however differential in scale to the church tower.

The rest of the Barnsley Road elevation is set further back and down from the corner block to reflect the topography of the site. This approach helps break up the massing of the structure, retains views and maintains the dominance of St Cuthbert's Church.

The scale of the building is considered appropriate for this prominent corner site fronting a strategic road, particularly when taking account of the topography of the area.

The external elevations of the building are to be faced in brick, punctuated by large vertically proportioned glazing elements. Recessed and patterned brick detailing is proposed to add interest. Projecting balconies are incorporated throughout. The balconies add interest and allow future occupants some directly accessible external space and help to animate the building's facades.

The primary entrance to the building is off Hordean Road and is identified by full height-glazing and a simple glazed canopy. The stone boundary wall on the Barnsley Road frontage would be retained.

The design approach is contemporary and, subject to appropriate detailing, which will be secured by condition, the scheme is considered to contribute positively to the character and appearance of the street scene.

#### Impact on Listed building

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 a listed building or its settings or any features of special architectural or historic interest which it possesses. This assessment will have regard to this requirement.

The NPPF seeks to protect heritage assets from unacceptable harm (para 190 NPPF). Paragraphs 193 to 199 of the NPPF identify how the effects and impacts on heritage assets should be considered by decision makers. Paragraph 193 identifies 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.

There is a presumption that where development results in substantial harm applications should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, subject to additional criteria set out in paragraph 195.

NPPF Paragraph 196 goes on to identify 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 including, where appropriate, securing its optimum viable use.

At a local level the UDP seeks to protect the setting and appearance of listed buildings (BE19 and BE20). Policy CS74 of the Core Strategy also identifies that high quality development is expected and development should respect the distinctive heritage of the city.

No listed buildings are contained within the application site; however St Cuthbert's Church is located immediately to the south of the application site. The church was built in a gothic revival style and constructed of stone. A stone tower was added to the original Church in 1959.

The prominence of St Cuthbert's Church within the local area is a key component in its character. Churches generally have a dominant place in the townscape and on the skyline.

The applicant has commissioned a heritage statement prepared by Archaeological Research Services to assess the impact of the development on the significance of the adjoining listed building. The assessment was based on the originally submitted scheme and it concluded that St. Cuthbert's Church role as a focal point would be slightly diminished due to the massing of the building affecting the verticality of the church tower. However these impacts would only occur when viewed from two discrete areas in the immediate locality. It was concluded that the development would not significantly affect these vistas or the significance of the church building.

The report also noted that the development would be more noticeable in views of the church from along Barnsley Road to the north, but it is concluded that the role of the church as a focal point is not as readily appreciated from this direction. The report concluded that the effects of the development will need to be weighed against the desirability of redeveloping this vacant plot with a high quality building, thereby replacing an informal car parking area that is currently having an adverse impact upon the setting of the church.

In response to the above assessment, with which your officers concur, the scheme has been amended by setting the front elevation of the building further back from Barnsley Road and by reducing the overall height of the part of the building adjacent to the church tower from 4 to 3 storeys. These amendments are considered to adequately mitigate any effects on the setting of the church.

The scheme will redevelop a neglected and overgrown site currently used (unauthorised) for car parking which detracts from the setting of the listed building. It will deliver much needed housing development, making efficient use of a sustainable brownfield site.

The design, scale, massing and layout of the proposed development are considered to respect the character, appearance and setting of the church, maintaining its dominance in the locality. The proposal is considered to result in less than substantial harm to the setting of the listed building. The public benefits of the scheme, in terms of bringing back into use an untidy vacant brownfield site and the provision of much needed housing are considered to outweigh the harm caused in this case.

The scheme is considered to make a positive contribution to the overall character of the area and does not therefore conflict with adopted local and national planning policy.

## Amenity Issues

UDP Policy H14 part(c) seeks to ensure that sites are not overdeveloped or deprive residents of light private or security. Policy H15 expects the design of new housing developments to provide good quality living accommodation to ensure that basic standards of daylight, privacy, security and outlook are met.

Policy H5 seeks to secure suitable living conditions for future occupants and existing neighbours and to ensure that there is not a concentration of flats that would cause nuisance to existing residents.

The building has been sited towards the Horndean and Barnsley Road frontages of the site in order to minimise any impact on the amenities of adjoining properties. The primary outlook from the flats is over the adjoining highways and the rear parking court. The properties to the east on Firth Park Road are located at a lower level than the application site; the garden of No. 23 is terraced and extends to the back edge of pavement on Horndean Road, where a single storey garage is located. Taking account of the separation distances and oblique angle between the proposed development and existing dwellings on Firth Park Road the proposal is not considered to give rise to any harmful overlooking.

Properties to the rear of the site on Firth Park Road are located at a lower level than the application site. However the building is sited towards the road frontages of the site, taking account of this as well as the orientation and the separation distances provided, the development is not considered to have a significant or harmful overbearing or overshadowing impact on the amenities of adjoining property.

No. 1 Horndean Road, to the north of the application site is located on the opposite side of the road, at a higher level than the application site. The property benefits from some screening provided by tree planting and a boundary fence. It is considered that there is adequate separation across the highway to maintain privacy and not result in any harmful overbearing or overshadowing.

There will be some increased activity to the rear of the site due to the inclusion of car parking within the site. Boundary treatment, which will be secured by condition, will provide suitable protection to adjoining properties.

On site amenity space is limited to a small area on the Barnsley Road frontage and balcony spaces for a number, but not all, of the flats in the scheme. Given the nature of the accommodation, the restricted dimensions of the site and the need to strike a balance between providing off street parking and securing a reasonable density of development the proposed arrangements are considered to be acceptable.

Future residents are likely to be affected by road traffic noise, so full details of appropriate glazing specification and ventilation will be secured by planning condition.

Concerns have been raised about the impact on light to spaces and rooms in the

adjoining church. Clearly the development will increase the mass of the building adjacent to the church and will reduce the amount light it receives at certain times of day. However there is considered to be adequate separation between the church and the proposed building to retain appropriate daylighting.

In light of the above the proposals are considered acceptable from an amenity perspective.

### Highways Issues

Core Strategy Policy CS53 'Management of Demand for Travel' sets out a variety of ways in which the increased demand for travel will be managed across the city including applying maximum parking standards to all new developments to manage the provision of private parking spaces.

Policy H14 part(d) seeks to ensure that development would provide safe access to the highways network and appropriate off street parking and not endanger pedestrians.

Access to the site will be gained from Horndean Road set back from the junction with Barnsley Road, in a similar position to the existing vehicle access to the site. Twelve parking spaces are to be provided underneath and to the rear of the building. Some spaces are double banked and are therefore likely to be allocated for the use of occupants of the two bedroom units.

The level of car parking proposed is considered acceptable due to the highly sustainable location of the site. Residents are afforded easy access to high frequency public transport services, as well as local shopping facilities/amenities in Fir Vale. Taking account of these factors and the nature of the accommodation proposed the likelihood of all occupants requiring a car is considered to be reduced.

Secure cycle parking is also provided as part of the development which enables residents to use other more sustainable modes of transport than the car.

A number of residents have raised concerns with regard to existing congestion and on street parking issues in the locality. The proposed access to the site will not remove any additional on street parking as it is located in a similar position to the previous access to the church hall. The southern side of Horndean Road is double yellow lined which protects the junction with Barnsley Road from being parked on both sides of the highway, thus facilitating safe access to Horndean Road. These arrangements will remain.

It is considered that due to the limited scale of the development it will not give rise to any severe residual cumulative impacts on the highways network or detrimentally affect highways safety. As such and in accordance with Paragraph 109 of the NPPF it is considered that the development should not be resisted on highways grounds.

Sustainability, Flood risk and Drainage

Policy CS64 expects new buildings to be designed to reduce emissions of greenhouse gases to combat the impacts of climate change. Policy CS65 seeks to promote renewable energy and carbon reduction and requires developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. An equivalent reduction in energy demands via a fabric first approach is now also accepted.

Policy CS67 requires developments to incorporate measures to reduce the impact and extent of flooding

The building has been designed to maximise efficiency and a 10% reduction in the building's energy demands is indicated to be achieved through a fabric first approach. The final method to achieve this requirement will however be controlled by condition to allow flexibility, should an alternative be considered more practical and/or viable.

The applicant has also indicated that a green roof will be provided, with details to be secured by condition.

The site is located in flood zone 1 which is identified by the Environment Agency as being at the lowest risk of flooding. Full details of the drainage arrangements will be secured by condition, including methods of reducing surface water run-off from the site.

In light of the above the proposal is considered to be acceptable from a sustainability perspective.

CIL and Affordable Housing

The site falls in an area of the city where there is no requirement to provide affordable housing as part of this development. There is also no CIL charge.

Public Art

Policy BE12 encourages works of public art in places which can readily be seen by the public as an integral part of the development. The final detail of this will be controlled by condition.

## RESPONSE TO REPRESENTATIONS

The majority of issues raised in the representations have been covered in the main report. This response covers the outstanding issues:

- Noise and disturbance during the construction period is controlled by separate legislation. A directive will be added informing the applicant of the hours of work restrictions, noise and disturbance issues.
- Details of drainage and boundary treatments have been secured by planning conditions.

- Planning permission would be required to increase the number of flats in the development.
- Adequate provision for bin storage is provided within the building.
- In making its decision, the Council should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner which is incompatible with the European Convention on Human Rights. Particular reference is made to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of possessions, including land). In addition, under Article 6 the applicant and those third parties (including local residents) who have made representations have the right to a fair hearing which means that full consideration should be given to their comments. When making its decision the Council must balance any likely private harm against the wider public good to ensure that interference with anyone's rights shall only be permitted if it is proportionate (the degree of harm to the individual balanced against the public interest). On this occasion it is the view of Officers that any interference is in accordance with the law and justified as being in the public interest and on the basis of the planning merits of the proposal. Any restriction on rights caused as a result of the proposed development is considered to be proportionate to the wider benefits of granting permission and that such a decision falls within the margin of discretion afforded to the Council.

## SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of 19 apartments and associated car parking and amenity space on the site of the former St Cuthbert's Church Hall (now demolished) which is located at the junction of Horndean Road/Barnsley Road at Fir Vale. As amended the 6 two bed and 13 one bed units are contained in a 3 to 4 storey building fronting Barnsley Road and Horndean Road.

Planning consent was granted on this site in 2006 for 12 apartments. However the scheme was not implemented and the site has remained vacant ever since. It is currently overgrown and fly-parked and detracts from the character and appearance of the area.

The adopted Sheffield Unitary Development Plan identifies dwellings (use class C3) as the preferred use of land in housing policy areas. The proposal is considered to make efficient use of this underutilised and sustainably located brownfield site. It will provide a range of smaller units in an area that is dominated by larger family properties and will contribute towards the Council's requirement to provide a 5 year housing land supply.

The scale, massing and design of the proposed building is considered appropriate and the scheme will provide a modern contemporary building of high quality design, which contributes to the visual amenities of the locality. The development will lead to less than substantial harm to the setting of the Grade II listed St

Cuthbert's Church but this harm is outweighed by the positive contribution that the redevelopment of this derelict site will make as well as the positive contribution to housing supply as described above.

The proposal is not considered to adversely affect the amenities of adjoining properties or give rise to any overlooking, overshadowing or overbearing issues.

Suitable and sufficient secure car parking is provided on site along with secure cycle parking and bin storage. The existing on street parking and congestion issues raised by residents in the area are acknowledged. Nevertheless, taking account of the highly sustainable location of the development, which benefits from easy access to local shopping facilities and high frequency public transport services, the level of parking proposed is considered acceptable. The development is not considered to give rise to any severe residual cumulative impacts on the highways network or to adversely affect highways safety.

Taking the above into account, the proposed development is considered to accord with the adopted Sheffield Unitary Development Plan, the Core Strategy, the National Planning Policy Framework (NPPF) and the provisions of Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990.

It is recommended that planning permission is granted subject to the listed conditions.

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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

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**Date:** 27 August 2019

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Marie Robinson 0114 2734218

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**Summary:**

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

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
27 AUGUST 2019

### 1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

### 2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of a two-storey roof extension to provide 6no apartments at Old County Court House 56 Bank Street Sheffield S1 2DS (Case No 18/03912/FUL)
(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations to roof space to form habitable accommodation including erection of front dormer, new access to garage at lower-ground floor level and steps to main door of dwelling at 16 Welbeck Road Sheffield S6 5AY (Case No 19/01413/FUL)
(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of two-storey side extension and single-storey rear extension to dwellinghouse (Case No 19/01389/FUL)

### 3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for retention of replacement fencing (Restrospective application) at 54 Main Avenue Sheffield S17 4FJ (Case No 18/03711/FUL) has been dismissed.
Officer Comment:-  The Inspector identified the main issue as being the effect of the fence on the character and appearance of the area.  The Inspector noted the pleasant green and open character of the street and that boundaries were predominantly formed of low masonry walls and/or

hedging and to a lesser degree were open.

The prominent corner location of the fence, its solidity, height, and considerable length led the Inspector to conclude that it resulted in an incongruous and obtrusive feature within the street scene, at odds with the prevailing character, and therefore in conflict with UDP policy H14.

The appellant suggestion that two other fences nearby were justification for their fence was not accepted by the Inspector as they were different in appearance and even if they were more similar, would not justify further harm.

The Inspector noted the appellants wishes to provide privacy and security but did not feel these outweighed the harm to the appearance of the area, and dismissed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) opposite 2 Tenter Street Sheffield S1 3RF (Case No 17/02964/TEL) has been dismissed.

Officer Comment:-

The Inspector considered that the call box would result in visual clutter in the street scene, when viewed in the context of existing street furniture in the location.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) to front of 43-51 The Moor Sheffield S1 4PF (Case No 17/02921/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would stand conspicuously in an open space and would harm this sense of openness. The angular, functional design of the kiosk would also appear discordant when seen in context with the contemporary, curved designs of the street furniture and pod buildings. The kiosk would also be positioned along the natural diagonal flows of pedestrians through this space. In this position and given the high amount of footfall in the area, the kiosk would form a serious impediment to the safe movement of pedestrians.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) land outside 30 Eyre Street Sheffield S1 4QY (Case No 17/02934/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that Eyre Street is a busy route for vehicular traffic to and from the city centre which has undergone public realm improvements. The kiosk would be located to the other end, close to the corner with Matilda Street. It would align with the other street furniture; however, its size and bulk would contrast markedly with the slender profile of the trees and bins, and the low profile of the benches. Due to its position in front of the other furniture, facing the open space of the adjacent junction, the kiosk would appear conspicuous and discordant and would harm the appearance of the street.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent to the Adsetts Centre Sheffield Hallam University Arundel Gate Sheffield S1 2PN (Case No 17/02939/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would be located in front of the Adsetts Centre, within a wide footway. The kiosk would sit in an exposed and discordant position in the footway, neither set against nor in line with other street furniture. Moreover, it would also stand squarely in front of the bottom of the entrance steps to the Adsetts Centre. Due to its size, it would be an incongruous feature which would detract from the entrance to the Adsetts Centre and from the open character of the street scene.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) near junction with Holy Green Charter Row Sheffield S1 4HR (Case No 17/02950/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that Charter Row has undergone public realm improvements, with broad, open footways and very limited street furniture affording long vistas up and down the street. The kiosk would be located in a transitional part of the street without shopfronts. In the absence of other street furniture, the proposed kiosk would appear as a prominent and isolated feature, visible in long views and would appear conspicuous due to its size and form and would appear discordant and harmful to the street scene as a result.

(vii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent 190 Fitzwilliam Street Fitzwilliam Street Sheffield S1 4JL (Case No 17/02929/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would be located in line with the street trees but would be close to the junction and highly visible as a result and discordant and obtrusive in the street scene, detracting from the character and appearance of the area. Given its position in the centre of the footway, it would also form a significant impediment requiring those on foot to divert their path and so would be an impediment to the safe movement of pedestrians.

(viii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent 34 Furnival Gate Sheffield S1 4HW (Case No 17/02924/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would be located in front of a row of slender columns supporting an overhanging section of the adjacent building. Beyond this, the footway opens up around the corner of the roundabout and features an area of improved public realm with street trees and benches. The proposed kiosk would be an obtrusive addition to this considered public realm. Its placement next to the slender columns of the adjacent building would draw undue attention to its bulky, angular form which would contrast with the curved aesthetic of the adjacent public realm features and would detract from the high quality appearance of the public realm. It would also, due to its size and footprint, form a significant impediment to the free movement of pedestrians along the footway.

(ix) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent 51 Furnival Gate Sheffield S1 4HW (Case No 17/02927/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would be located in an upgraded area of public realm with an open, uncluttered appearance. The kiosk would be positioned towards the outer edge of the footway, where its height and massing would be highly conspicuous within the open footway. For these, reasons, the siting and appearance of the proposal would harm the character and appearance of the area. The kiosk would also narrow the width of the footway at this point, creating a pinch point which would impede the free movement of pedestrians.

(x) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) site opposite Sheffield Station Sheaf Street Sheffield S1 2BP (Case No

17/02910/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the public realm has been improved in this area, with minimal street furniture and an open, uncluttered appearance. The proposed kiosk would form a prominent feature in the centre of the footway which would appear discordant due to its exposed position, size and bulk and would undermine the planned open character of the public realm, which otherwise comprises slender trees and street poles.

(xi) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) land outside Sheaf Building Sheffield Hallam University Sheaf Street Sheffield S1 2BP (Case No 17/02906/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would stand in an open area of improved public realm which forms part of the setting of the train station, listed at Grade II. Street furniture in the area is consistent in design and the number of other objects in the street is also limited which creates a sense of spaciousness and allows clear views of the listed station building, which contributes to its significance as a prominent and historic public building. The proposed kiosk would have an adverse visual impact given its broader shape and overall height and would stand closer to the main footway in a more exposed position. Through its size and form, it would stand out as a discordant feature, unrelated to the existing public realm design and would create a cluttered arrangement of unrelated objects in the footway.

(xii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) to front of Debenhams The Moor Sheffield S1 4PF (Case No 17/02955/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would be placed centrally within the street, in a broad area of open pavement between fixed seating in front of the freestanding Café Nero building and a more extensive area of seating, a street tree and bin close to the top of the street and the junction with Furnival Gate. This is an open space between the busy lines of pedestrian traffic to either side and allows for views in either direction from the seating areas. It also forms an important area of open space close to the top of the street and provides a sense of openness and arrival into the area. The kiosk would stand conspicuously in this space and would harm this sense of openness. The angular, functional design of the kiosk would also appear discordant when seen in context with the contemporary, curved designs of the street furniture

and pod buildings which proliferate the area and would detract from the coherent and high quality appearance of the area. The proposed kiosk would be positioned along the natural diagonal crossing flows of pedestrians through this space. In this position and given the high amount of footfall in the area, the kiosk would form a serious impediment to the safe movement of pedestrians.

(xiii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent Weston Tower West Bar Green Sheffield S1 2DA (Case No 17/02923/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that that the kiosk would stand towards the outer edge of the footway, close to an open-sided telephone kiosk with an advertisement. There is also an older style, enclosed telephone box to the inner side of the footway near the digital advertisement. The proposed kiosk would be located a short distance from these two objects, and would be seen in context with the other, open-sided kiosk slightly further along. Their number and proximity to each other already creates a cluttered arrangement and the proposed kiosk, through its siting, would add to this cluttered arrangement and so would detract from the character and appearance of the area.

(xiv) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) Telephone Box 1 at Moorfoot and Junction with Fitzwilliam Gate The Moor Sheffield S1 4PH (Case No 17/02905/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the kiosk would be in a short pedestrianised area leading to Council offices at Moorfoot. This section of The Moor is a busy part of the street and maintained the two rows of street furniture and trees which characterises the rest of the street. The kiosk would be highly visible given a road crosses directly in front of it. The size and bulk of the kiosk, and its prominent siting, would result in it appearing conspicuous and discordant in the street scene, harming the character and appearance of the area. The proposed kiosk would also add a further impediment to the safe movement of pedestrians and so would be harmful to highway safety.

(xv) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) land at Corporation Street junction with Cotton Mill Road Sheffield S3 8RP (Case No 17/02902/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is close to the boundary of the Kelham Island Industrial Conservation Area and provides the immediate visual context of important public views towards the conservation area. It is currently uncluttered and the call box would introduce a large piece of street furniture into this open area which would erode the open character of the site and be harmful to the setting of the conservation area.

(xvi) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) near junction with Sheaf Street Suffolk Road Sheffield S2 4AG (Case No 17/02966/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the pavement in the vicinity of the appeal site is generally open, with limited street furniture and close to an area of public open space giving it an uncluttered feel. The call box would be large element of street furniture in this open area which would erode the open character and uncluttered nature of the area.

(xvii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) highway in front of 40 Corporation Street Sheffield S3 8RP (Case No 17/02952/TEL) has been dismissed.

Officer Comment:-

The Inspector considered that the site was relatively open with limited slender street furniture and that the introduction of a call box would erode the character and be harmful to the appearance of the area.

(xiv) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) land outside 48 Wicker Sheffield S3 8HS (Case No 17/02907/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is outside the Sadacca social centre, a grade 2 listed building, with the frontage of that building being the main focus of the listing. As such the call box would be in the immediate visual context of this important elevation, thus affecting the setting of the building. Moreover the public realm has a coordinated appearance with low level coordinated street furniture. The call box would be a large element which would erode the character of the area and be harmful to the setting of the listed building.

(xv) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) outside 19 Angel Street Junction With Bank Street Sheffield S3 8LN (Case No 17/02914/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the pavement at this point is open with only modest and slender street furniture. Its uncluttered nature is a positive element. The introduction of the call box would erode the open appearance of the area and adversely affect its character.

(xvi) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) adjacent Shell St Phillips Service Station Netherthorpe Road Sheffield S3 7EZ (Case No 17/02925/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the public pavement on this part of Netherthorpe Road is relatively open with street furniture generally limited to slender lamp/sign posts. In summary the uncluttered character of the immediate surroundings is a positive element of the appearance of the appeal site and surrounding area and the siting of a phone box here would erode its character.

(xvii) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) to front of Metis Building Tenter Street Sheffield S1 3RF (Case No 17/02901/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the introduction of an additional item of street furniture sited in the proposed location, particularly of the appearance (in terms of its size and scale) of the proposed call box, would result in visual clutter in the streetscene. This would unacceptably exacerbate this characteristic of this area.

(xviii) To report that an appeal against the delegated decision of the Council to refuse planning permission for demolition of workshops and erection of 5 apartments in 2 blocks (As per amended drawings received on the 4 January 2019) (amended description) Russell Hutton Bespoke Kitchens 23 Hillsborough Road Sheffield S6 4JL (Case No 18/03626/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as the effect of the development on:-

- i) Living conditions of neighbouring occupiers;
- ii) The character and appearance of the area; and
- iii) The use of the adjacent open space.

He noted in respect of i) that the rear of residential properties on Hillsborough Road and Hillsborough Place faced onto the site, and that the proposed replacement building would be taller than existing though would be broken into two portions. He also noted the separation distance from the rear of the residential properties would fall short of the 12m recommended in the Council's Supplementary Planning Guidance, which he considered a relevant guide, and concluded these elements would be overbearing to those residents.

On living conditions he therefore concluded the development would be harmful and in conflict with UDP policy S10.

On ii) he considered the increase in mass and height of development on the site, along with a hipped roof in close proximity to the neighbouring residents, would be bulky and dominant in the street scene and out of character with neighbouring residential property. He concluded it would harm the character and appearance of the area in conflict with policy S10.

For iii) he noted the open space was a green pocket of benefit to the local urban area but was given no evidence of its redevelopment potential. He felt the presence of mature trees close to proposed main living windows would lead to pressure for removal. He felt the presence of main living windows overlooking the site would limit its public use and harm its pleasant and tranquil quality in conflict with policy CS74 (Core Strategy) and the NPPF.

He did not feel the appellant's suggestion that the potential for continued light industrial use of the site would lead to more harm, outweighed his concerns on the main issues and dismissed the appeal.

(xix) To report that an appeal against the delegated decision of the Council to refuse planning permission for change of use of ground floor from residential (Use Class C3) to retail (Use Class A1), and provision of new shop front (Amended description and amended plans received 24th September 201 at 104 Page Hall Road Sheffield S4 8GW (Case No 18/01688/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the development on the residential character and appearance of the area.

Noting that the area had a predominantly residential character with elements of commercial activity towards the local shopping centre and that the site fell within a Housing Area within the Council's UDP he considered policy H14 to

be most relevant which seeks to ensure residential uses remain dominant.

As the property was one of 4 dwellings in an otherwise retail dominated terrace, with housing opposite, the Inspector felt the conversion of this unit would lead to an over-concentration of commercial uses and would 'tip the balance' significantly undermining the residential character of the street due to the resultant concentration of shopfronts and commercial activity at ground floor level.

He considered the harmful effects of additional pedestrian activity, parking, noise and disturbance would add to the cumulative impact on living conditions from other uses which also weighed in the balance and that this could not reasonably be overcome with conditions.

He dismissed the appeal, citing policy H14 and paragraph 127 of the NPPF in doing so.

(xxi) To report that an appeal against the delegated decision of the Council to refuse planning permission for siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) Moorfields Near Junction With Bower Spring Sheffield S3 8PR (Case No 17/02912/TEL) has been dismissed.

Officer Comment:-

The Inspector noted that the site is located close to the Bower Spring cementation furnace which is a Scheduled Ancient Monument. The appeal site is part of the public pavement outside the building which provides the immediate visual context in which the significance of the scheduled ancient monument is appreciated in public views.

The public pavement close to the appeal site has an attractive and coordinated public realm including hard landscaping and street furniture which, in the immediate vicinity of this site includes benches and lighting which are modest in size. The proposed call box would be inappropriate in the streetscene in terms of its siting and appearance, including in public views towards the Bower Spring cementation furnace and would harm the setting of this scheduled ancient monument.

#### 4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for Siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) near junction with Russell Street Gibraltar Street Sheffield S3 8UA (Case No 17/02948/TEL) has been allowed.

Officer Comment:-

The Inspector considered that the area does not appear to be part of a

coordinated public realm and he considered that the immediate area of the appeal site is characterised by the existence of street furniture so it would not be harmed by the installation of the call box.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for Siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) land outside 80 Hoyle Street Sheffield S3 7EW (Case No 17/02948/TEL) has been allowed.

**Officer Comment:-**

The Inspector noted that the public pavement in the vicinity of the appeal site contains existing street furniture including street signage, trees, lighting columns and utilities cabinets and that there is no coordinated appearance to the street furniture that forms the immediate setting. He noted that some of these items are relatively substantial and occupy a significant width of the pavement and/or are higher than the proposed kiosk. He considered that it would be in keeping with the other street furniture in the area.

## 5.0 ENFORCEMENT APPEALS

Nothing to report

## 6.0 RECOMMENDATIONS

That the report be noted.

Colin Walker  
Interim Head of Planning

*27 August 2019*