

# Planning and Highways Committee

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**Tuesday 17 December 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 Abby Brownsword on 0114 273 4014 or email [abby.brownsword@sheffield.gov.uk](mailto:abby.brownsword@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  
17 DECEMBER 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)  
Minutes of the meeting of the Committee held on 29<sup>th</sup> October 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
- 7a. Case No. 19/03321/REM - Oughtibridge Mill Sheffield Site, 22 - 24 Main Road, Wharncliffe Side, Sheffield, S35 3GS.** (Pages 11 - 30)
- 7b. Case No. 19/02983/FUL - The Phoenix, Green Gate Lane, High Green, Sheffield, S35 3GS.** (Pages 31 - 48)
- 7c. Case No. 19/03333/OUT - Garage Block Rear of 14 to 22 Marcliffe Road, Sheffield, S6 4AG.** (Pages 49 - 62)
- 7d. Case No. 18/03937/OUT - Starkholme Buildings, 3 Leyburn Road, Sheffield, S8 0XA.** (Pages 63 - 82)
- 7e. Case No's 19/03052/FUL and 19/03053/LBC - The Court House, Castle Street, Sheffield, S3 8LT.** (Pages 83 - 124)
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 125 - 132)  
Report of the Director of City Growth
- 9. Date of Next Meeting**  
The next meeting of the Committee will be held on Tuesday 14<sup>th</sup> Janaury 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 29 October 2019

**PRESENT:** Councillors Jayne Dunn (Chair), Jack Clarkson, Tony Damms, Roger Davison, Peter Garbutt, Dianne Hurst, Alan Law, Zahira Naz, Peter Price, Peter Rippon, Chris Rosling-Josephs, Andrew Sangar and Vickie Priestley (Substitute Member)

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**1. APOLOGIES FOR ABSENCE**

- 1.1 An apology for absence was received from Councillor Bob McCann.
- 1.2 Councillor Vickie Priestley acted as substitute for Councillor Bob McCann.

**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. 6b – 34 Blackbrook Road, Sheffield, S10 4LQ (Case No. 19/02337/FUL) as a local ward Member. Councillor Sangar declared that he had not given an opinion or declared his position on the application prior to the meeting, therefore would take part in the discussion and voting thereon.
- 3.2 Councillor Vickie Priestley declared a personal interest in Agenda Item No. 6c – Land rear of 43 to 49 Rodney Hill, Occupation Lane, Loxley, Sheffield, S6 8RS (Case No. 18/04232/FUL) as a local ward Member who had objected to the development. Councillor Priestley declared that she would take no part in the discussion and voting thereon.

**4. SITE VISIT**

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

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

**5a. ATHELSTAN PRIMARY SCHOOL, RICHMOND PARK DRIVE, SHEFFIELD, S13 8HH - CASE NO. 19/02820/FUL**

- 5a.1 Details of the proposed car park construction which had been received from the applicant and amended conditions were included within the Supplementary Report circulated and summarised at the meeting.
- 5a.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.
- 5a.3 The Committee considered the application and proposed conditions, having regard to the National Planning Policy Framework and other relevant policies, as detailed in the report.
- 5a.4 **RESOLVED:** That, an application for planning permission be GRANTED, conditionally, for the reasons set out in the report now submitted and including the amended conditions as set out in the Supplementary Report now submitted, for the formation of car park at Athelstan Primary School, Richmond Park Drive, Sheffield, S13 8HH (Case No. 19/02820/FUL).

**5b. 34 BLACKBROOK ROAD, SHEFFIELD, S10 4LQ - CASE NO. 19/02337/FUL**

- 5b.1 Details of an additional condition were included within the Supplementary Report circulated and summarised at the meeting.
- 5b.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.
- 5b.3 The Committee considered the application and proposed conditions, having regard to the National Planning Policy Framework and other relevant policies, as detailed in the report.
- 5b.4 **RESOLVED:** That, an application for planning permission be GRANTED, conditionally, for the reasons set out in the report now submitted and including the additional condition as set out in the Supplementary Report now submitted, for the demolition of bungalow and erection of 2 dwellings and associated vehicular access at 34 Blackbrook Road, Sheffield, S10 4LQ (Case No. 19/02337/FUL).

**5c. LAND REAR OF 43 TO 49 RODNEY HILL, OCCUPATION LANE, LOXLEY, SHEFFIELD, S6 6SB - CASE NO. 18/04232/FUL**

- 5c.1 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.
- 5c.2 Mrs. J. Symington and Mrs. L Jackson (on behalf of Loxley Valley Protection Society) attended the meeting and spoke against the application. Photographs of

the current situation with regard to the access road were circulated for Members' information.

5c.3 Mr. Amer Ahmed attended the meeting and spoke in support of the application. A letter from the applicant's tree expert was circulated and Mr Ahmed referred to the 3D image submitted as part of the application.

5c.4 The Committee considered the application and proposed conditions, having regard to the National Planning Policy Framework and other relevant policies, as detailed in the report.

5c.5 **RESOLVED:** That, an application for planning permission for the erection of 1 dwellinghouse including retention of existing garage and trees (TPO) and erection of new boundary walls, paved terrace area and associated works at land to the rear of 43 to 49 Rodney Hill, Occupation Lane, Loxley, Sheffield, S6 6SB (Case No. 18/04232/FUL), be REFUSED for the reasons set out in the report, now submitted.

**5d. LITTLE INTAKE FARM, WOODHEAD ROAD, GRENOSIDE, SHEFFIELD, S35 8RS - CASE NO. 17/03187/FUL**

5d.1 **RESOLVED:** That, an application for the change of use from grazing land to caravan and campsite, erection of plant and equipment, conversion of redundant agricultural buildings to create a reception area/managers flat, washing facilities, indoor play area and shire horse stud area (Amended Plans/Description/Supporting Submissions) at Little Intake Farm, Woodhead Road, Grenoside, Sheffield, S35 8RS (Case No. 17/03187/FUL), be DEFERRED pending a Site Visit.

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

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

6.2 **RESOLVED:** That the Committee notes the information reported.

**7. DATE OF NEXT MEETING**

7.1 It was noted that the next meeting of the Committee would be held at 2.00pm on Tuesday 19<sup>th</sup> November 2019 at the Town Hall, Sheffield.

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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: 17 December 2019

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Subject: Applications under various acts/regulations

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Author of Report: Chris Heeley, Lucy Bond & Dinah Hope 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.
19/03221/REM (Formerly PP-08034894)	Oughtibridge Mill Sheffield Site 22 - 24 Main Road Wharnccliffe Side Sheffield S35 0DN	11 - 30
19/02983/FUL (Formerly PP-07997512)	The Phoenix Green Gate Lane High Green Sheffield S35 3GS	31 - 48
19/03333/OUT	Garage Block Rear Of 14 To 22 Marlcliffe Road Sheffield S6 4AG	49 - 62
18/03937/OUT (Formerly PP-07351243)	Starkholme Buildings 3 Leyburn Road Sheffield S8 0XA	63 - 82
19/03052/FUL (Formerly PP-08083016)	The Court House Castle Street Sheffield S3 8LT	83 - 124
19/03053/LBC (Formerly PP-08083016)	The Court House Castle Street Sheffield S3 8LT	125 - 132

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Case Number	19/03221/REM (Formerly PP-08034894)
Application Type	Approval of Reserved Matters
Proposal	Erection of 284 dwellings (Use Class C3) with means of site access and associated landscaping and infrastructure works (Application to approve layout, scale, appearance and landscaping as reserved under planning permission no. 18/04258/OUT)
Location	Oughtibridge Mill Sheffield Site 22 - 24 Main Road Wharnccliffe Side Sheffield S35 0DN
Date Received	02/09/2019
Team	West and North
Applicant/Agent	Lichfields
Recommendation	Res Mats App Conditionally Legal Agreement

## **Time Limit for Commencement of Development**

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

1. The development shall be carried out in accordance with the following drawings:

#### BDWH Drawings

Drawing No. 1929.01 Rev V (Planning Layout)  
Drawing No. 1929.02 (Location Plan)  
Drawing No. 1929.03 Rev J (Materials layout)  
Drawing No. 1929.04 Rev G (Street Scenes)  
Drawing No. 1929.05 Rev D (Cross Sections)  
Drawing No. 1929.06 Rev G (Boundary Treatment Plan)  
Drawing No. 1929.12 Rev F (Storey Heights Plan)  
Drawing No. 1929.18 (Ancient Woodland Buffer Identification Plan)

Drawing No. 1929.B.01 Rev B (Planning Layout)  
Drawing No. 1929.B.02 (Planning Layout)  
Drawing No. 1929.B.03 Rev B (Planning Layout)  
Drawing No. 1929.B.06 Rev A Planning Layout)  
Drawing No. 1929.B.07 (1200mm Estate Railings)

Drawing No. 1929.B.08 (900mm Dry Stone Wall)

Drawing No. 1929.DG.02 (Large Double Garage)

Drawing No. 1929.DG.02 (Large Single Garage)

Drawing No. 1929.H349.01 (Abbydale - H349 (AS))

Drawing No. 1929.H349.02 (Abbydale - H349 (OP))

Drawing No. 1929.H349-S.01 (Abbydale - H349 (AS))

Drawing No. 1929.H403.01 (Ingleby - H403 (AS))

Drawing No. 1929.H403.02 (Ingleby - H403 (OP))

Drawing No. 1929.H403-S.01 (Ingleby - H403 Stone (AS))

Drawing No. 1929.H403-S.02 (Ingleby - H403 Stone (OP))

Drawing No. 1929.H411.01 (Millford - H411 (AS))

Drawing No. 1929.H411.02 (Millford - H411 (OP))

Drawing No. 1929.H411-S.01 (Millford - H411 Stone (AS))

Drawing No. 1929.H417.01 (Bradgate - H417 (AS))

Drawing No. 1929.H417.02 (Bradgate - H417 (OP))

Drawing No. 1929.H417-S.02 (Bradgate - H417 Stone (AS))

Drawing No. 1929.H431.01 (Shenton - H431 (AS))

Drawing No. 1929.H431.02 (Shenton - H431 (OP))

Drawing No. 1929.H431-S.01 (Shenton - H431 (AS) Stone)

Drawing No. 1929.H469.01 (Holden - H469 (AS))

Drawing No. 1929.H469.02 (Holden - H469 (OP))

Drawing No. 1929.H469-S.01 (Holden - H469 Stone (AS))

Drawing No. 1929.H469-S.02 (Holden - H469 Stone)

Drawing No. 1929.P341.01 (Hadley - P341 (AS))

Drawing No. 1929.P341.01 (Hadley - P341 (OP))

Drawing No. 1929.P341/P382.01 (Hadley/Archford - P341/P382)

Drawing No. 1929.P341/P382.02 (Hadley/Archford - P341/P382)

Drawing No. 1929.P341/P382.03 (Hadley/Archford - P341/P382)

Drawing No. 1929.P341-S.01 (Hadley - P341 Stone (AS))

Drawing No. 1929.P341-S.02 (Hadley - P341 Stone (OP))

Drawing No. 1929.P382.01 (Archford - P382 (Pair))

Drawing No. 1929.P382.02 (Archford - P382 (Terrace)  
Elevations)

Drawing No. 1929.P382.03 (Archford - P382 (Terrace)  
Floorplan)

Drawing No. 1929.P382-S.01 (Archford - P382 (Pair) Stone)

Drawing No. 1929.P382/P341.01 (Archford/Hadley - P382/P341)

Drawing No. 1929.T321.01 (Cannington - T321 (Pair))

CODA Drawings



Drawing No. (90)001 Rev H (Proposed Site Plan)  
Drawing No. (90)002 Rev C (Landscaping Reference Plan)  
Drawing No. (90)003 Rev A (Proposed Landscaping Plan 1)  
Drawing No. (90)004 Rev A (Proposed Landscaping Plan 2)  
Drawing No. (90)005 Rev A (Proposed Landscaping Plan 3)  
Drawing No. (07)001 Rev B (House Type 1)  
Drawing No. (90)002 Rev A (House Type 2)  
Drawing No. (90)003 Rev A (House Type 2A)  
Drawing No. (90)004 Rev A (House Type 3)

published on the 2 September 2019, 26 November 2019, and 9 December 2019 from Lichfields

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)**

2. Full landscape details for the area of central public open space (as indicated on dwg ref 3548-1 Rev F) including a timetable for the phasing and implementation of the landscaping shall be submitted to and approved in writing by the Local Planning Authority within six months of the commencement of development, or an alternative timeframe to be agreed in writing by the Local Planning Authority. Thereafter the landscaping shall be implemented in accordance with the approved details, or an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of developing a high quality and sustainable landscape setting for the development.

3. Full landscape details for the area of public open space associated with the Pump Station (as indicated on dwg ref 3548-4 Rev A) including a timetable for the phasing and implementation of the landscaping shall be submitted to and approved in writing by the Local Planning Authority within six months of the commencement of development, or an alternative timeframe to be agreed in writing by the Local Planning Authority. Thereafter the landscaping shall be implemented in accordance with the approved details, or an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of developing a high quality landscape setting for the development.

4. Full landscape details for the area of public open space at the site entrance (as indicated on dwg ref 3548-2 Rev B) including a timetable for the phasing and implementation of the landscaping shall be submitted to and approved in writing by the Local Planning Authority within six months of the

commencement of development, or an alternative timeframe to be agreed in writing by the Local Planning Authority. Thereafter the landscaping shall be implemented in accordance with the approved details or an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of developing a high quality landscape setting for the development.

5. Roads, other than agreed shared private drives, shall be constructed to an adoptable standard and offered for adoption on completion under (the provisions) Section 38 of The Highways Act (1980). Prior to occupation, engineering and surface water drainage details shall be submitted for inspection and approval in writing by the (Local Planning Authority) Highways Authority.

Reason: In accordance with Barnsley Local Plan Policy T4 (New Development and Transport Safety).

6. Prior to the occupation of each dwelling, driveways serving that dwelling shall be surfaced in either a bound material or block pavers. These areas of hard surfacing will be designed with zero surface water discharge onto the highway network.

Reason: To ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway and to prevent the migration of loose material on to the public highway to the detriment of road safety.

7. Before each phase of the development is brought into use, that part of the site within that phase to be used by vehicles excluding private drives within the curtilage of dwellings shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

Reason: To ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway and to prevent the migration of loose material on to the public highway to the detriment of road safety.

### **Other Compliance Conditions**

8. The gradient of individual vehicular accesses/driveways shall not exceed 1 in 12 for the first 5m into the site as measured from the edge of adjacent carriageway.

Reason: In the interests of the safety of persons using the access and users of the highway.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, or any Order revoking or re-enacting that Order, no development of Plots 14, 15, 16, 17, 18,

106, 107, 108, 109, 142 and 241 as shown on Planning Layout dwg ref. 1929.01 Rev V hereby approved shall take place under Schedule 2 Part 1, Class A without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenity of occupiers of the dwellinghouse and to prevent the overdevelopment of the plot.

10. The garages hereby permitted shall be positioned not less than 5.5m from the highway boundary at the point of access and shall thereafter be maintained and used for the parking of vehicles in connection with the dwellinghouse.

Reason: To avoid obstruction and danger arising for users of the highway and to ensure that the site has sufficient on-street parking..

11. The riverside walkway/cycleway shall be laid out in accordance with the approved details as set out on Drawing No. 1929.01 Rev V (Planning Layout) prior to the occupation of 150 dwellings, or an alternative timeframe to be agreed in writing by the Local Planning Authority, and retained thereafter. The riverside/cycleway shall continuously connect Point (A) and Point (B) as shown on Drawing No. 1929.100. Construction details of the riverside walkway/cycleway shall be submitted to and approved in writing by the Local Planning Authority prior to its construction.

Reason: In the interests of accessibility and permeability.

12. Notwithstanding the details submitted 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 prior to occupation, or within an alternative timeframe to be agreed in writing by the Local Planning Authority. The landscaping shown on the plan(s) shall be provided, retained and maintained for the lifetime of the development.

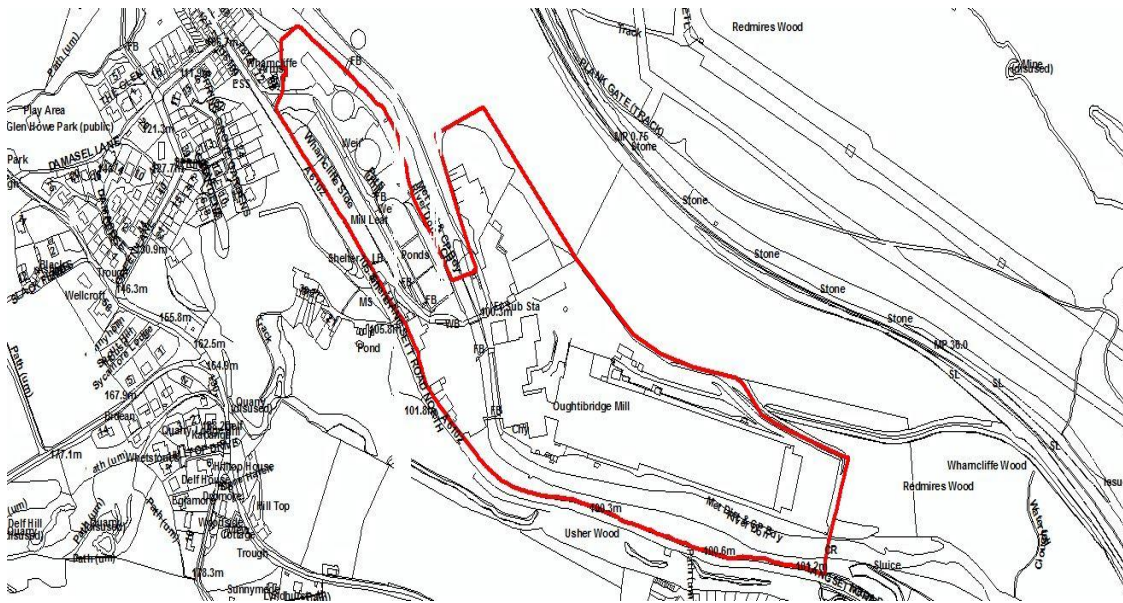
Reason: In the interests of the visual amenities.

#### **Attention is Drawn to the Following Directives:**

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
  - on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
  - on or within 16 metres of a sea defence
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

# Site Location



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## INTRODUCTION

The application relates to the site of Oughtibridge Mill, a former paper mill that lies on the eastern side of Main Road/Langsett Road North (A6102).

Outline planning permission with all matters reserved except for access was conditionally approved in October 2016 for the demolition of the site's existing buildings and structures and the development of the site for residential use (Use Class C3). A condition was attached to the outline that restricted the site to a maximum of 320 dwellinghouses.

Following the grant of outline planning permission, the applicant has submitted further applications that included a full application for the erection of a vehicular bridge over the River Don, a S73 application to remove Condition No. 22 (delivery of affordable housing), and most recently a S73 application seeking to remove and vary a number of conditions that were attached to the earlier outline approval.

The latest outline approval was granted subject to a legal agreement that secured a financial contribution of £1.75m for the delivery of affordable housing, a financial contribution towards primary and secondary education, £737,427 for the delivery of a pedestrian bridge to the east of the site and £20,000 for improvements to two bus stops. The legal agreement also includes the requirement to enter into a Traffic Regulation Order (TRO) to reduce the speed limit along Langsett Road North from 50mph to 40mph.

In addition to these planning approvals, four applications seeking approval of details reserved by planning condition have been submitted and approved by the local planning authority.

Full details of all the planning history of the site is set out below.

## PROCEDURAL ISSUES

Oughtibridge Mill is located in both the administrative boundaries of Barnsley Metropolitan Borough Council (MBC) and Sheffield City Council. On account of this, discussions between the two authorities took place in advance of the outline application being submitted in order to establish the procedural matters relating to the cross boundary nature of the site. It was agreed between the two authorities that the decision making authority in respect of the application (and all subsequent applications for the approval of reserved matters, S73 applications, NMAs and applications to discharge conditions) be delegated to Sheffield City Council. Despite the largest part of the site being within Barnsley, the site's location along Langsett Road North adjoining the two settlements of Wharnccliffe Side and Oughtibridge, and its remoteness from the main built up areas of Barnsley, would mean that it will function and draw mainly if not entirely upon the services located in Sheffield and not Barnsley.

The applicants' agent has asked that the description of the application not include the total number of dwellinghouses proposed, stating that by doing so, it would not be possible for the applicants to then amend the 'approved' scheme through a S73 application following recent case law that prevents a description of an approved scheme to be amended through this route. However, in officers' opinion, it is considered appropriate to include the number of dwellinghouses within the description on account of this reserved matters (RM) application seeking layout approval for the number of houses proposed. Should the applicants wish to

amend the scheme post decision, then officers suggest that this could be done either through a Non-Material Amendment application (NMA) or alternatively through a subsequent RM application.

## LOCATION AND PROPOSAL

The Oughtibridge Mill site is located relatively equidistant between Wharncliffe Side to the north and Oughtibridge to the south. The site covers an area of approximately 13.79 hectares and is bisected by the River Don. The land to the south and west of the River Don is located within the administrative boundary of Sheffield City Council, and is designated a General Industry Area (without Special Industries), whilst the land to the north and east of the River Don is located within the administrative boundary of Barnsley MBC. The land located within Barnsley's area was formerly designated as Green Belt, but was changed into a Housing Allocated Site (Policy HS88) through the adoption of the Barnsley Local Plan in January 2019.

The application site sits on the valley floor with the main area of the site either side of the river being relatively flat, ranging from 90m (AOD) to 102m (AOD). This is in contrast to the steep valley sides and surrounding undulating landform.

The application comprises previously developed land that included a number of industrial buildings that have been demolished as part of the site's enabling and remediation works following the recent grant of outline planning permission. The only evidence of the site's previous industrial use is a small collection of traditional 19<sup>th</sup> Century stone buildings that front onto Langsett Road North.

The site is extensive and comprises four parcels of land that include an area of land that fronts onto Langsett Road North/Main Road that extends eastwards of the Wharncliffe Arms Public House; a lower plateau to the north of this that is separated by a mature tree embankment; a hardstanding area around the existing stone mill buildings; and an extensive area of land on the valley floor that housed the former industrial sheds and metalled roads. The site spans across both sides of the River Don along the valley floor and stretches from east to west for some 800m.

The site benefits from individual tree specimens and several tree groups, many of which are protected by TPOs. The site is bounded by woodland to its north, east and west, which includes ancient woodland. Wharncliffe Woods, which is partly designated as both Ancient and Semi-Natural Woodland and Ancient Replanted Woodland, is located beyond the site's northern and eastern boundaries, areas of woodland are located along the southern boundary between the Langsett Road North and the River Don and woodland and the existing built form of Wharncliffe Side are found along its western boundary.

A number of trees have been felled in connection with the site's remediation and enabling works, which has reduced the abundance of trees that once stood on the site. Most, but not all felling, has been approved as part of previous tree application approvals, the others have been felled during remediation, with the applicant's agent providing justification through the submission of this RM application.

The applicant is seeking Reserved Matters approval in respect of layout, scale, appearance and landscaping. The proposed scheme would provide a total of 284 dwellinghouses

across the site. The proposed scheme would be developed by two house builders, the larger part of the site by Barratt David Wilson Homes (249 dwellinghouses) and a much smaller part of the site to the north of the former mill buildings by Sky House Company Limited (35 dwellinghouses).

The applicant has also submitted an application to change the use of the existing mill buildings to form 13 dwellinghouses that is pending consideration (19/03222/FUL). This is being considered under a separate application as it involves a change of use of existing buildings that falls outside the remit of a RM application.

## RELEVANT PLANNING HISTORY

16/01169/OUT - Demolition of existing buildings and structures and erection of residential development (Use Class C3) with means of site access including a new vehicular bridge and a pedestrian/cycle bridge across the River Don, and associated landscaping and infrastructure works (As amended by drawings received on the 11 and 16 August 2016) – Approved 28 October 2016

16/01676/FUL - Erection of a new pedestrian/cycle bridge over River Don onto Langsett Road North (As amended by drawings received on the 17 November 2016 and 1 December 2016) – 5 December 2016

16/01677/FUL – Erection of a vehicular bridge over River Don – Approved 18 October 2016

16/04679/OUT – Application to remove requirement for provision of affordable housing (Application under Section 73 to remove condition 22 (Affordable Housing) – Refused 8 March 2017 – Withdrawn

17/02624/OUT - Application to remove requirement for provision of affordable housing (Application under Section 73 to remove condition 22 (Affordable housing provision) from planning permission 16/01169/OUT) – Approved 20 November 2017

17/05134/FUL - Demolition of existing structures, removal of trees and erection of new site access, spine road and vehicular bridge with associated infrastructure – Approved 23 February 2018

17/02624/COND1 - Application to approve details in relation to condition numbers 5. (Advanced Infrastructure and Enabling Works) 6. (Construction Method Statement) 10. (Phase II Intrusive Site Investigation Report) 11. (Tree Protection/Barrier Details and Arboricultural Method Statement) and 23. (Remediation Strategy Report) relating to planning permission 17/02624/OUT – Decided 21 February 2018

17/02624/COND2 - Application to approve details for condition 12. (Written scheme of archaeological investigation) imposed by planning permission 17/02624/FUL – Decided 16 May 2018

18/04258/OUT - Application under Section 73 to vary condition numbers: 4 (Approved Plans), 5 (Advance Infrastructure and Enabling Works), 8 (Sustainable Travel), 10 (Phase II Intrusive Site Investigation), 12 (Written Scheme of Investigation (WSI)), 23 (Remediation Strategy Report) and 31 (Landscape Buffer) and removal of condition 14 (Footway



Widening Scheme) imposed by planning permission 17/02624/OUT - Granted 31 January 2019

18/04258/COND1 - Application to approve details in relation to condition 9. Vehicle crossing over River Don; Relating to planning permission 18/04258/OUT – Decided 2 October 2019

18/04258/COND2 - Application to approve details in relation to Condition No. 24 (Remediation Strategy) relating to planning permission 18/04258/OUT – Pending

## CONSULTATION

The application has been advertised as a departure in the Sheffield Telegraph and six site notices were posted within the vicinity of the site as part of the consultation process.

## SUMMARY OF REPRESENTATIONS

Two letters has been received in response to neighbour consultation from the residents of 74 and 76-78 Main Road. These are summarised below:-

- Object to the building of 3-storey houses. The proposed 3-storey houses are out of character with the local area and will be a prominent eyesore from a number of views within the area. The dwellinghouses will obscure the view looking down the valley. The 3-storey design looks unsightly, overbearing and out-of-scale; and
- A higher standard of design should be expected within this area of natural beauty.

## PLANNING ASSESSMENT

It is considered that the main issues relevant to this application are as follows:-

- i. The Principle of Development – Policy and Land Use
- ii. Highway;
- iii. Design and its effect on the character and appearance of the surrounding area;
- iv. Landscaping;
- v. Drainage;
- vi. Flooding;
- vii. Effect on the residential amenity of neighbouring properties; and
- viii. Other Issues

### i. Principle of Development – Policy and Land Use

The application site has the benefit of an outline planning permission to erect up to 320 dwellinghouses. This was granted in October 2016, under planning reference No. 16/01169/OUT. Following the initial grant of outline approval, the applicant has submitted two S73 applications, the first seeking to remove condition No. 22 (Affordable Housing) that was approved in November 2017, and the second seeking to vary/remove a number of conditions that were imposed on the previous approval. This was granted in January 2019, under 18/04258/OUT subject to the imposition of 39 conditions. The grant of outline planning permission included a condition that listed a number of parameter plans that the development should be carried out broadly in accordance with and included parameter plans on density, storey heights, landscaping and open space.

Inspection of the submitted plans shows that the proposed development would be laid out broadly in accordance with the approved parameter plans.

## ii. Highways

On account of the site falling within two administrative boundaries, and the fact that Barnsley MBC would be responsible for adopting the site that lies within the boundary of Barnsley post construction, from a highway perspective, an assessment of the application has been carried out by highway officers from both authorities specific to their respective boundaries.

The application has undergone a number of revisions that have sought to resolve a number of issues including highway related issues. As previously discussed, the River Don forms the boundary between the two administrative areas with only the land to the south of the river being within Sheffield, with the much larger parcel of land to the north of the river being within Barnsley. For purposes of clarity, this section of the report is separated between the two authorities.

### Sheffield

The proposed scheme proposes a total of thirteen properties (13) that would be accessed directly from the A6102 (Langsett Road North). Parking for the properties will be provided in two parking courts, each of which will have a new access onto the A6102. It is proposed that these two parking courts be private from the back of the footway. Adequate parking and turning is provided within each court, such that vehicles will be able to drive onto the highway in a forward gear. It is recommended that a condition be attached that would restrict the erection of gates at each of the accesses.

A scheme of double yellow lines is proposed that would cover the frontage of the site (on both sides of A6102) and extending down both sides of the new access road and across the new bridge over the river. This scheme of restrictions would protect visibility both at the new accesses, and at the new junction onto the A6102.

New stretches of highway are to be constructed to serve properties to the south of the river. Due to the constraints of the site, the proposed 5.5m wide carriageway will have a 1.8m footway to one side only, with a service margin provided to the opposite side of the carriageway. The footway will correspond to the position of properties and informal crossings will be provided where the footway jumps from one to the other side of the carriageway. For some plots south-west of the bridge, parking spaces will be provided under the tree canopy.

The road serving the new build properties in the vicinity of the Mill, south-east of the bridge, is to be private from the junction with the new spine road. This new road will still be constructed to adoptable standards, and should gates be provided, they will be located such that satisfactory turning facilities are provided.

It is felt that, given the constraints of the site, the layout and solutions presented are acceptable, will provide adequate levels of off-street parking, turning facilities, and do not raise any highway safety concerns.

## Barnsley

North of the river the proposed layout includes a main vehicular spine road extending east-west with several access spurs, terminating in cul-de-sacs that run perpendicular from this road and at its eastern end. The housing is laid out along both sides of the spine road and access spurs, with the main spine including both kinks in the road and traffic tables as part of the proposed road calming measures.

Barnsley MBC have inspected the proposed layout and have undertaken their own assessment stating that the layout presented is acceptable. Tracking has been carried out which confirms that a large refuse vehicle can navigate the site and has sufficient turning space. Parking numbers are in accordance with the standards set out within Barnsley's parking SPD and access arrangements are also acceptable. Barnsley officers have suggested some means of separation between vehicular areas (including private drives) and the proposed pedestrian connection/future right of way which runs adjacent to the water course throughout the site. This, they say, could be in the form of a low fence to prevent vehicles from parking and blocking the footway and to provide a level of protection for pedestrians.

With regards to garage sizes, inspection of the plans show that they meet the minimum required size of 6m x 3m. Some of the properties' driveways however fall short of the required 6m forecourt length and as such, Barnsley MBC has suggested that a condition be attached that requires garages to be positioned not less than 5.5m from the highway boundary at the point of access and fitted with a roller shutter type door to prevent vehicles over-sailing the adopted highway. They have also recommended that further conditions be attached that require gradients of accesses and driveways not to exceed 1:12 for the first 5m and that they be surfaced in a bound permeable material to prevent/reduce the discharge of surface water spilling onto the highway.

Similar to the Sheffield side, the applicant will have to enter into a S38 Agreement with Barnsley MBC as part of the adoption process.

### iii. Design and its effect on the character and appearance of the surrounding area

Policy BE5 of the UDP seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment on corner sites and that designs should take advantage of the site's natural features.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It states that high quality development should respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

Government guidance is contained within the National Planning Policy Framework (NPPF). Chapter 12 of the NPPF states that the creation of high quality places is fundamental to what the planning and development process should achieve, while paragraph 127 states that, amongst other things, planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive

as a result of good architecture, layout and appropriate and effective landscaping. Sites should also sustain an appropriate amount and mix of development (including green and other public space).

This application has been subject to lengthy negotiations with officers, culminating in a number of amendments in order to secure a scheme of high design quality. The general design principles of the scheme are discussed below.

## General Principles

The scale of this site, located between Wharnccliffe Side and Oughtibridge, is substantial; to the extent that it is effectively establishing a new neighbourhood. This combined with the relatively secluded position of the majority of the housing – set at the bottom of the river valley and enclosed by trees – provides an opportunity to form a new place with a distinctive character that is identifiable in its own right, but is clearly rooted in the local area. There have been extensive pre-application discussions that have sought to ensure that the development responds to these opportunities, while using the developer's standard house types.

## Layout

The key feature of the site is the river, which provides a focus, a unifying element, opportunities for leisure activities and an attractive setting. Consequently, the layout is predominantly orientated around the Don, with the area to the north of the new vehicular bridge providing a focus at its heart. This area should give a strong sense of arrival with open space concentrated to form a waterside 'village green' and the start of the riverside foot and cycle path. Housing has been orientated to provide a sense of enclosure, passive surveillance and to take advantage of the outlook. The housing along the northern bank has been arranged to provide a positive frontage to the river, and secure overlooking for the associated cycle and pedestrian routes.

Housing to the south of the river is split into two character areas. To the north-west of the access the layout responds to the pronounced topography and the retention of existing trees. This results in clusters of units along a single access road which, while it necessitates some extended walking distances, will benefit from the instant character that retained mature vegetation can provide.

To the south-east of the access road a series of four terraces of contemporary housing (Sky Houses) have been arranged to respond positively to both the river and the retained former industrial buildings on the road frontage (subject to separate proposals). The use of natural stone and the footprints of the new buildings will provide a visual link to the retained industrial buildings that will give this part of the site a cohesive character. The blocks have been orientated to provide a positive response to the river, affording views from within the site and establishing a dramatic built form – the staggered arrangement – when seen from the riverside path. Parking is concentrated in a small number of areas, largely screened by buildings.

## House types

This is a scheme being developed by a well-known volume housebuilder. The desire to use standard house types is understood and does not preclude the development of a good quality scheme where people choose to live and which makes a positive contribution to the local area. The manner in which these properties are arranged is critical in achieving this, something which in this instance has been given considerable thought, to positive effect.

The inclusion of an area of contemporary townhouses is welcomed. Their scale and density reflect the parameters agreed at the outline stage. The townhouses complement the forms of the retained historic properties and add to the mix of housing, establishing a distinctive character area at the heart of the development and contributing to the variety on which most successful places thrive.

## Materials

The majority of the proposed housing will be clad in brick, which is common in the area, with the limited number of brick types concentrated in certain locations to support the hierarchy of streets and spaces and avoid the random, incoherent appearance often associated with large new-build housing schemes. Artificial stone is used in isolated pockets to mark the junctions along the main spine road. This is well within the body of the site where it will not be seen in relation to the natural stone finish of the retained buildings and boundary wall. However, natural stone will be used in the construction of the terraces to the south of the river, where it will help the new buildings to form a cohesive townscape with the retained structures. Natural stone is further used in the boundaries around the central part of the scheme, reflecting the stone walls characteristic of the wider area.

Overall, it is considered that the proposed development is of acceptable design quality and that it will make a positive contribution to the character and appearance of the area. While a greater use of natural stone would have been preferable, for example on some of the houses proposed, this was resisted by the house builder, and it is considered that this does not diminish the overall design quality of the scheme, with the facing brickwork being an acceptable alternative given the prevalence of red brick along Main Road.

It is considered that the proposed development accords with UDP Policy BE5, Core Strategy Policy CS74 and chapter 12 of the NPPF.

## iv. Landscaping

UDP Policy BE6 relates to Landscape Design and sets out that good quality landscape design will be expected in new developments. Applications for planning permission for such schemes should, where appropriate, include a suitable landscape scheme with details of new planting and existing vegetation to be removed or retained and which provides an interesting and attractive environment that integrates existing landscape features into the development, including mature trees, hedges and water features.

UDP Policy GE15 states that trees and woodland will be encouraged and protected by planting, managing and establishing trees and woodland, by requiring developers to retain mature trees and to replace any trees which are lost, and by not permitting development which would damage existing mature and ancient woodlands.

Condition 21 of the outline planning permission requires a minimum of 1.38ha of open space to be provided across the development, including facilities for children's play. In accordance with this requirement the proposed layout provides a number of areas of public open space within the site, including a central area of open space, the riverside walk, and an area of open space at the site entrance.

During determination of the application the area of central open space has been enlarged and re-orientated in order to address comments made by officers. The applicant has also prepared a number of indicative landscaping schemes showing the intended approach to landscaping at the entrance public open space and the area around the pumping station. In addition to the existing landscaping conditions attached to the outline permission, it is recommended that conditions be attached to any grant of planning which require detailed landscaping schemes, alongside timescales for implementation, to be submitted for approval in respect of the site's key open space areas.

Condition 38 of the outline planning permission requires a 5m buffer zone from the edge of the defined Ancient Woodland to be provided within parts of the site. This buffer zone was shown on approved Parameter Plan 01. This has been incorporated into the scheme design and is shown on the detailed layout plan (Drawing No. 1929.18 Revision V). In addition, a wider management plan of both the buffer zone and parts of the Ancient Woodland will also be provided in accordance with Condition 25 of the Outline Planning Permission. This will secure further ecological and biodiversity benefits to the Ancient Woodland and its habitat.

The applicant has provided updated tree survey information reflecting the now remediated site, which has been agreed with officers. From this, the applicant has submitted a revised plan that shows the loss of one parking space where this would encroach a root protection area (RPA). Additional trees will be provided within landscaped areas and public open. The applicant will be required to provide details of tree protection measures and an arboricultural method statement detailing all works to trees in accordance with Condition 11 of the outline planning permission in order to protect existing trees within the site during construction.

The proposed layout includes parking of 22 vehicles underneath the canopies of trees along the southern side of the western access road serving House Plots 25-29 and 35-40, and the loss of approximately 10 semi-mature trees to provide a turning head to Plot 66. Landscape officers consider that the loss of these trees can be justified and would be mitigated through replanting and woodland management improvements, and that parking provision is unlikely to place the trees at unnecessary risk given that the area of land around the embankment has already been cleared as part of the site's remediation works. The outline planning permission includes a condition (No. 11) that would require the submission of an Arboricultural Method Statement that would ensure that appropriate measures are put in place to protect the site's existing trees and if necessary, the requirement for non-mechanical dig construction within the proposed 22 space parking area, and also in the area around the turning head to Plot 66 to minimise risk to these trees.

Overall, it is considered that the revisions secured throughout the course of the application will ensure a high quality landscape scheme with measures in place to protect the site's existing trees and ancient woodland. The proposed scheme includes new tree planting and in response to officers' concerns, it now includes a larger central area of open space that

would provide a much improved landscaped area to the betterment of the development. The proposed layout also accounts for the 5m buffer zone along the back edge of the houses to protect the ancient woodland. It is acknowledged that one of the house plots (Plot No. 65) slightly encroaches into the buffer zone, but given that this only relates to one plot, which would form a small part of the garden, this can be justified and would not in officer's opinion compromise or undermine the protection and preservation of the ancient woodland.

#### v. Drainage

The applicant has submitted a drainage strategy for both administrative boundaries with Sheffield incorporating SUDS (sustainable drainage system) within the part of the site that is within its control.

The details of the drainage on the Sheffield side of the site are set out on the Drainage and SUDS Layout Plan (Drawing No. 43174/005 Revision A) prepared by Eastwoods. This indicative plan, specific to the Sheffield side, includes bio-retention areas that would clean and store surface water run-off from the development before entering the River Don. The plan has been inspected by the Lead Local Flood Authority and found to be acceptable. It is acknowledged that the plan is indicative only as drainage is covered by an existing condition on the outline approval, with the proposed bio-retention areas requiring agreement from the highway authority.

Unfortunately, the larger part of the site within Barnsley will not include any SUDS. However, the applicant has submitted a detailed response as to why SUDS has not been incorporated on the Barnsley side, but sets out that the development would be wholly compliant with adopted policies in the Barnsley Local Plan which would include run off rates to be reduced by at least 30%. To mitigate the exclusion of SUDS, and as stated above, the driveways on the Barnsley side of the site will be surfaced in a bound permeable material to prevent the discharge of surface water spilling onto the highway, which would be secured by planning condition.

The drainage strategy facilitates a significant betterment in flood risk and drainage terms in line with the approved outline drainage assessment and has been agreed by officers at SCC and Barnsley MBC.

#### vi. Flooding

UDP Policy GE17 requires all rivers and streams to be protected and enhanced for the benefit of wildlife and, where appropriate, for public access and recreation. The policy sets out that new development should be set back to an appropriate distance from the banks of major rivers (stated to be 8m) to allow for landscaping, and to encourage the creation of a continuous public footpath along one bank of major rivers in instances that it would not conflict with important nature conservation interests or public safety.

The Environment Agency has stated that they have no objections in principle with the RM application on the basis that their interests are covered by Condition No. 34 of the outline planning permission. They go on to state that an Environmental Permit will need to be obtained for any activities which take place on or within 8 metres of a main river, on or within 8 metres of a flood defence structure or culvert and where works involve excavation within 16m of any main river, flood defence or culvert. It is recommended that an Informative be

attached to the decision notice to inform the applicant of the requirement of the Environmental Permit.

vii. Effect on the residential amenity of neighbouring properties

The application site is remote from neighbouring properties, with the nearest residential properties to the site (Nos. 66 and 68 Main Road) located to the south east of the Wharncliffe Arms. The distance of these pairs of cottages to the nearest dwellinghouse (House Plot 44) would be in the order of 37m. This distance, together with the orientation of neighbouring houses to House Plot 44, would prevent the proposed dwellinghouses from appearing overbearing or resulting in any significant loss of outlook or loss of privacy that would be harmful to their residential amenity.

The concerns raised in terms of loss of views from the erection of the proposed three storey housing along the western end of the site is not a planning matter.

viii. Other Issues

A small number of the proposed dwellinghouses would have gardens less than 50 square metres in area, which is less than that recommended in Supplementary Planning Guidance 'Designing House Extensions. Although this SPG is used to assess extensions to existing houses, it is also used by the Council as an empirical guide to assess space standards/garden sizes for new housing developments.

An assessment of all the houses found that 11 (House Plots 14, 15, 16, 17, 18, 106, 107, 108, 109, 142 and 241) have gardens which fall short of the recommended 50 square metres. It is therefore recommended that these properties' Permitted Development Rights (Class A of the GDPO) be removed. The removal of the PD Rights on these eleven plots has been agreed by the applicant.

## SUMMARY AND RECOMMENDATION

The application relates to the site of Oughtibridge Mill, a former paper mill that lies on the eastern side of Main Road/Langsett Road North (A6102). Outline planning permission was granted in October 2016 to erect up to 320 dwellinghouses on the site. This approval has been superseded by the latest outline approval which was granted in January 2019 and to which this RM application relates.

The applicants are seeking Reserved Matters approval in respect of layout, scale, appearance and landscaping. The proposed scheme would provide a total of 284 dwellinghouses across the site. The scheme would be developed by two house builders, the larger part of the site by Barratt David Wilson Homes and the smaller part of the site to the north of the former mill buildings by Sky House Company Limited.

The principle of residential development on this site has been established through the granting of outline permission. Consideration of this RM application is therefore limited to layout, scale, appearance and landscaping only.

It is considered that the proposed scheme is of acceptable design quality that would make a positive contribution to the character of the surrounding area. The layout of the scheme has



been amended following discussions with the developers, which has resulted in a scheme that would sit comfortably within the context of the site and surrounding area and respond well to the River Don that runs through the heart of the site.

Revisions have been secured that have addressed issues relating to highways, design, drainage and landscaping. While it is acknowledged that several trees would be felled as part of the redevelopment of the site, these have been kept to a minimum and would be compensated by new tree planting that in time will provide a high level of visual amenity. The proposed layout fully accounts for the location of the river as well as the ancient woodland through the provision of a 5m wide buffer zone between the outer edges of the houses and this woodland in line with the approved Parameter Plan 01.

For the reasons given in the report and having regard to all other matters raised, it is considered that the development accords with Barnsley Local Plan Policy HS88 (Former Paper Mill Site, Oughtibridge, Sheffield), Sheffield UDP Policies BE5, BE6, BE10, G11, GE15, GE17, and T28 and Core Strategy Policies CS74, CS24, CS40, and government guidance contained in National Planning Policy Framework (NPPF). The local policies cited are all considered to be consistent with the aims of the NPPF.

It is recommended therefore that Reserved Matters be granted subject to the signing of a Deed of Variation to the S106 Agreement to allow the third trigger point payment for affordable housing to be made upon occupation of the 265th dwellinghouse.

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Case Number	19/02983/FUL (Formerly PP-07997512)
Application Type	Full Planning Application
Proposal	Internal and external alterations to public house (Use Class A4) to form convenience store (Use Class A1) including demolition of existing single-storey side extension, smoking shelter and entrance porch and erection of new single-storey side extension, widening of existing access, reconfiguration of car park, part replacement of boundary fence and associated works
Location	The Phoenix Greengate Lane High Green Sheffield S35 3GS
Date Received	12/08/2019
Team	West and North
Applicant/Agent	Mr Jacob Russell
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:

13698-DB3-B01-00-DR-A-90003 Rev D BLOCK AND LOCATION PLAN published 12/08/2019

13698-DB3-B01-00-DR-A-96001 Rev C EXTERNAL PLANT PROPOSAL;  
13698-DB3-B01-00-DR-A-90002 Rev K PROPOSED SITE PLAN;  
13698-DB3-B01-00-DR-A-20004 Rev F PROPOSED ELEVATIONS; and  
13698-DB3-B01-00-DR-A-20005 Rev G PROPOSED GROUND FLOOR PLAN published on 04/11/2019

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)**

3. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

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

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

5. 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.

6. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR11

(Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

7. 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.

8. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

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

9. Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any remedial works will have been completed to the satisfaction of the Local Planning Authority prior to full occupation of the development.

Reason: In the interest of highway safety.

10. 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.

11. Notwithstanding the submitted plans, before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking

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

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

12. Before any above ground works commence, full details of the type and location of any trolley parking/storage shall have been submitted to and approved in writing by the Local Planning Authority, and provided in accordance with the approved details prior to occupation.

Reason: In the interest of highway safety.

13. Details of the new lighting columns shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation. The columns shall then be installed in accordance with the approved details and thereafter be retained.

Reason: In the interest of visual and residential amenity.

14. Before the use hereby permitted commences, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of light from the development on adjacent dwellings. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light'. The development shall be carried out and thereafter retained in accordance with the approved details. [The guidance notes are available for free download from the 'resources' pages of the ILE website.]

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

15. The development shall not be used unless the car parking accommodation has been surfaced and drained in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority, including details of markings to define a pedestrian route to the main entrance of the store.

Reason: In the interest of highway safety.

### **Other Compliance Conditions**

16. The development shall not be used unless provision has been made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter, all such areas shall be retained free of all

obstructions, including the storage, display and depositing of materials, packaging or other objects so that the service yard is fully available for the parking, turning and manoeuvring of delivery/service vehicles.

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.

17. The development shall not be used for the purposes hereby permitted unless the scheme of sound attenuation works detailed in the Noise Report dated 29.05.19; produced by Airtight and Noisecheck Ltd has been carried out as specified in the Report. Such works shall be 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.

18. No customer shall be permitted to be on the premises outside the following times: 0800 hours to 2000 hours Monday to Saturday and 1000 hours to 1600 hours on Sundays and Bank Holidays.

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

19. All commercial deliveries shall be carried out in accordance with the Delivery Management Plan referenced 1905-083/DMP/01 October 2019 unless otherwise agreed with the local planning authority.

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

**Attention is Drawn to the Following Directives:**

1. 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.

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

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

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

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

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

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

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

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. 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 is located in High Green, on the western side of Greengate Lane which runs north-east to south-west from Mortomley Lane. The site lies within a designated Housing Area as defined in the Unitary Development Plan (UDP) and is surrounded on all sides by residential development, with local facilities including shops, green space, a business park and a primary school in the vicinity.

A local shopping parade, which accommodates of a small number of units including a vets and a convenience store, with residential accommodation on the first floor, is located diagonally opposite the site.

The site comprises of a two storey public house set back from the highway, with single storey extensions to each side. The building is largely finished in red facing bricks and render and the front elevation features a large gable with bay window and prominent chimneys. The main entrance to the public house is via a small porch located to the front of the south western extension. Residential accommodation is located on the first floor of the public house.

To the front of the public house is a hard surfaced car park, which is not formally laid out, a timber smoking shelter and a timber decked area consisting of outdoor seating. Adjacent the eastern elevation is a storage and refuse area. The perimeter of the site is bound by a low brick wall adjacent the highway and vertical timber fencing to the remainder of the site. Vehicular access to the car park is gained from Greengate Lane.

Planning permission is sought for internal and external alterations to the public house (Use Class A4) to form a convenience store (Use Class A1) including the demolition of the existing single-storey side extension, smoking shelter and entrance porch and the erection of a new single-storey side extension, widening of the existing access, reconfiguration of car park and part replacement of boundary fence.

## RELEVANT SITE HISTORY

07/02402/FUL      An application for the erection of a smoking shelter was granted on 01.08.07

## PUBLICITY AND SUMMARY OF REPRESENTATIONS RECEIVED

The application was publicised by posting site notices close to the site and by direct neighbour notification.

There have been 19 representations on the application.

16 letters of objection raised the following concerns:

- High Green has lost a number of pubs in recent years. Locals need the Phoenix and so the loss of this pub should be resisted.
- The development will create additional noise and disturbance from deliveries and vehicle movements.

- Additional traffic generated by the development would be a danger to pedestrians.
- Parking is already problematic on Greengate Lane. Additional parking demand generated by the development would make the situation worse.
- Proposed delivery times are between 8am and 10am, which is the busiest time on Greengate Lane.
- There are already a number of supermarkets in the vicinity and there is no need for another.

An objection has been received from the sub-tenant of the pub, who raised the following concerns:

- The pub has a number of games teams and clubs (pool and snooker teams and fishing clubs)
- The pub caters for various local events including parties and funerals.
- There is little assessment in the application regarding comparable facilities.
- Disagree with the supporting reports regarding the decline in barrel sales and they fail to mention increased sales in spirits and other goods.
- This has been our home and job for the last 16 years.

1 letter of support was received from the tenants of the pub, E.D Leisure Ltd who made the following comments:

- The pub industry is changing and we have seen a 30% loss in income in the last 3 to 4 years.
- The decreasing viability of the public house relates to falling customer numbers, reduced customer spending and the increased cost of utilities, rates and insurance.
- The tenancy ends in July 2020 and there is no intention to renew.
- We would prefer to see the building re-used rather than remain vacant.

1 neutral comment was received relating to the neighbour's ability to maintain the existing boundary fence.

In addition, Ecclesfield Parish Council raised concerns regarding car parking, traffic impact and the adequate provision of on-site turning for lorries. They ask that the Planning Committee fully consider these issues.

## PLANNING ASSESSMENT

### Principal of Development and Policy Background

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

The Council's development plan comprises of the Core Strategy (CS) which was adopted in 2009 and saved policies of the Unitary Development Plan (UDP) which

was adopted in 1998. The National Planning Policy Framework (NPPF) 2019 is a material planning consideration as specified in paragraphs 2 and 212.

The documents comprising the Council's development plan pre-date the NPPF, but paragraph 213 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF, and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF. The NPPF provides that the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

Development proposals should also be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is referred to as the "tilted balance".

The proposal is for the change of use of the existing public house to a convenience store with associated extensions and alterations.

The key material planning issues for consideration in this instance relate to the loss of the public house and the appropriateness of the proposed retail use.

The UDP states that community facilities include community centres, drop in centres, meeting places, youth clubs, crèches, nurseries religious meeting places, non-residential schools and colleges, training centres, medical and health centres, toilets, libraries, information centres, lecture theatres museums and art galleries.

Policy CF1 of the UDP – Provision of Community Facilities – states that community facilities will be promoted.

Policy CF2 - Keeping Community Facilities - sets out that development which results in the loss of community facilities would be permitted if:

- the loss is unavoidable or equivalent facilities would be provided in the same area; or
- the facilities are no longer required; or
- where the change of use of the building is involved, equivalent accommodation would be readily available.

The explanatory text for policy CF2 describes community facilities as 'non-profit making' and also states that 'in the local area' is defined as being within 400m. While a public house is not defined within the UDP as a community facility, this definition has been previously used as a guide in considering other proposals relating to the loss of public houses.

The nearest pub is 482m away from the application site therefore, strictly speaking, the proposal fails to comply with CF2 (a) as it is slightly more than 400m away. Policies CF1 and CF2 of the UDP are saved policies, the most up to date planning guidance is contained within chapter 8 of the NPPF relating to promoting healthy and safe communities.

Paragraph 92 sets out that planning decisions should take account of the social recreational and cultural facilities and services the community needs, taking into account of:

- local strategies to improve health, social and cultural wellbeing for all sections of the community (local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship);
- guard against unnecessary loss of value facilities and services, particularly where this would reduce the community's ability to meet its day to day needs;
- ensure established shops and facilities are able to modernise and are retained for the benefit of the community;
- ensure integrated approaches to location of housing, economic uses and community facilities

#### Loss of the Public House

The application is supported by a number of specialist reports. The Viability Assessment sets out the economic viability of the public house and the issues surrounding the decline of the business over the years.

The public house is owned by the applicants, Punch Partnerships (PML) Ltd. The tenants of the pub are E.D Leisure Ltd. Ed Leisure Ltd sub-let the management of the public house. In their representation, E.D Leisure state that the sub-tenants have worked to maintain high standards and offered the community a range of activities, but that the last 3 to 4 years have seen a loss in trade of 30%. The pub is now operating at a loss most weeks and the business is no longer considered to be viable.

E.D Leisure Ltd's tenancy is due to end in July 2020 and they have confirmed that they have no intention of renewing.

A viability report was submitted by the applicant. It states that barrel sales (largely beer, lager and cider) have declined 27% in the last 4 years and notes that the British Beer and Pub Association's own statistics state that the national average is around 4.5%. Barrel sales at the Phoenix have therefore declined more than 6 times the national average.

The report also considers the potential options to diversify the public house. There is currently no commercial kitchen within the public house and its image and décor are in need of modernisation. There is potential that that a food offer might improve trade, however the report concludes that this would be a risky investment. The pub is situated in a residential area with little passing trade and its large footprint is excessive for its location and not optimal for operation.

The report also assesses the alternative offer for public houses in the area. There are 14 public houses within a 1.5 mile radius of the site. 3 of the 14 are within 0.4 miles of the Phoenix, 7 are comparable or larger in size and 8 offer food in addition to wet sales.

This range of alternative pubs is considered to meet the needs of the local community and it appears clear that barrel sales at the Phoenix are in decline. Moreover, the viability of the Phoenix is unlikely to change without significant investment and the current tenant has no intention of renewing the tenancy.

The agent has confirmed that the pub has not been marketed, as this may further its decline and income, neither has it been listed as an Asset of Community Value. It is therefore considered that, whilst a public house may contribute towards the social and recreational wellbeing of the local community as set out in the NPPF, policy CF1 does not define a public house as a community facility. Moreover, the public house is a business venture which, from the information provided, is not considered to be sustainable. Patronage of the public house has declined and this is confirmed in the financial figures set out in the report.

Given that there are 14 other public houses within a 1.6 mile radius of the site the loss of this facilities is unlikely to prevent the community from meeting its day to day needs as advised in paragraph 92 of the NPPF and it is reasonable to consider that, based on the information provided, the public house is not a facility valued significantly by the whole community. An alternative use for the site is therefore considered acceptable in this instance.

### The Proposed Use

The proposal is for the change of use of the public house to a convenience store (Class A1). The proposed operator is Heron Food and the development will deliver 2 full time jobs and 9 part time jobs (the public house currently employs 3 part time staff).

Retail use is classed as a main town centre use and, as the site does not lie within an existing shopping centre, the Local Planning Authority are required to apply the sequential test as set out in paragraph 86 of the NPPF. Only if sites are not available in centre, can out of centre sites be considered.

Policy S5 of the UDP sets out the key considerations for shopping development outside of the Central Shopping Area and District Centres. It states that retail development for food will be permitted at the edge of district shopping centres only where there is no suitable site within them.

Paragraph 87 of the NPPF states that when considering edge or centre proposals, preference should be given to accessible sites that are well connected with the town centre.

The applicant's agent has prepared a retail assessment based on agreed scope and criteria. The proposal is considered to be minor in scale and in an edge of centre location and it was concluded that a simple assessment of the existing retail units in

the Greengate Lane Neighbourhood Centre would be suitable to demonstrate that the proposals comply with Policy S5 of the UDP and the NPPF.

A retail impact assessment is not considered necessary as the proposal is less than 2,500m<sup>2</sup> of gross floor space.

The report assesses the requirements of the operator and the units reasonably available within the search area. There are 7 units within the Greengate Lane shopping parade, however none are available for acquisition or repurposing as a convenience store and only the Co-op food store has a tradeable floorspace considered close enough to Heron Food's requirements. The Co-op is both the owner and the occupier of their freehold, making it unavailable to any other party. It can therefore be concluded that there are no sequentially preferable sites to the Phoenix within the Greengate Lane Neighbourhood Centre or the immediate vicinity. The proposal for a convenience store will ensure that the local facilities and services are able to develop and modernise for the benefit of the wider community.

It is therefore considered that the proposed change of use to retail is acceptable in line with policy S5 of the UDP and paragraph 87 of the NPPF.

#### Highways and Transportation

The site lies in a designated Housing Area and policy H14 of the UDP expects new development to provide safe access to the highway network, appropriate off-street parking and to not endanger pedestrians, while policy T21 states that provision will be made for car parking to meet the operational needs of businesses.

Chapter 9 of the NPPF set out criteria for considering the highway and transport implications of proposed developments. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The development includes fifteen formally marked out customer car parking spaces (two of which would be accessible spaces), two staff car parking spaces, six short-stay customer cycle parking stands and staff cycle parking contained within the building. The car parking accommodation is essentially a reconfiguration of the pub's car park.

There is a single point of vehicular access from Greengate Lane which is to be widened to allow articulated delivery vehicles to enter the site in a forward gear, before reversing to the service area, and then re-joining Greengate Lane in a forward gear. It is considered that delivery vehicles will have ample space to manoeuvre into the service area without the need to protect the car parking spaces. Deliveries will be made twice a day for 5 days and once a day for the other 2 other days. The refuse will be collected from the service yard within the site.

The existing pedestrian access is to be retained, preventing customers arriving at the store on foot from having to share the vehicular access. It is recommended that



zebra crossing style bar markings should be provided across the car park to guide pedestrians to the front entrance of the store, giving them priority over cars.

The Council parking guidelines recommend a maximum of 1 space per 20 sq.m gross floor area for this type of development (outside of the city centre), which equates to 19 spaces. The 17 spaces indicated on the submitted plans are therefore considered to be acceptable.

The transport statement submitted with the application has used the TRICS database to predict the number of vehicle trips likely to be generated during the peak periods, which suggests 34 in and 32 out during the weekday morning peak hour (8 – 9 am), 42 in and 38 out during the weekday evening peak hour (5 – 6 pm), and 27 in and 23 out during the weekend peak hour (12 – 1 pm). TRICS data for public houses suggests the weekday evening peak (5 – 6 pm) might be approximately half as busy as the convenience store while the Saturday peak is broadly the same. These flows are relatively light and it is considered that they can easily be accommodated within the store's car park.

Personal injury statistics for the past 5 year period in the vicinity of the site indicate that none have been recorded.

The site is sustainably located and has good accessibility by foot, cycle and public transport. Whilst there will be an increase in traffic movements during peak hours, it is considered that the cumulative impact on the highway network will not be severe.

The site is capable of being serviced within and the proposed widening of the existing access will be an improvement for vehicles entering and leaving the site. It is therefore considered the proposal is in compliance with policy CS53 of the Core Strategy, Policy T21 of the UDP and Chapter 9 of the NPPF.

#### Impact on Residential Amenity

Policy S10 of the UDP states that changes of use should not cause residents to suffer from unacceptable living conditions including air pollution, noise or other nuisance, while paragraph 91 (c) of the NPPF states that planning decisions should enable and support healthy lifestyles by, for example, the provision of local shops.

The proposal is accompanied by a noise assessment and a delivery management plan.

The proposed opening hours are Monday to Friday 0800hrs to 2000hrs and Sundays and Bank Holidays 0100hrs to 1600hrs. The opening hours of the existing public house are under the planning regime, however the pub closing time is stated as 2300hrs.

It is therefore considered that the opening hours are more sociable than those of the public house and as such will reduce potential amenity issues late in the evening.

The proposal also involves the installation of lighting - three columns to the front and 8 lights attached to the building, 4 to the front, 3 to the rear and one to the side on the south west elevation.

The Environmental Protection Service raise no objections to the proposed development subject to the imposition of conditions in relation to illumination levels, opening hours and adherence to the delivery management plan.

Several windows to the ground and first floor are to be removed and infilled with block and render. This will reduce the potential to overlook neighbouring gardens. The submitted noise assessment concludes that there will no significant impact in terms of noise and disturbance in comparison with the existing use and the slight increase in vehicle movements is not significant to result in an overall impact on air pollution.

It is therefore considered that the proposal will not have a harmful impact on the amenities of the occupiers of nearby properties and that the proposals are in line with the requirements of policy S10 and the NPPF.

#### Design and Appearance

Policy BE5 sets out the policy requirements in terms of building design and siting, in terms of physical design and functional user requirements.

The proposal involves the erection of a single storey extension with a mansard roof to the north east elevation. The proposal also involves new perimeter close board acoustic fencing and the removal of parts of the dilapidated boundary wall to the front as well as the decked area and planters.

The proposed extension is to be finished in red brick to match the existing building and will feature a matching hipped style roof. Its impact on the character and appearance of the area will be minimal.

The infilling of some windows on the front elevation of the building will reduce visual interest, but not to an extent that the overall impact will be harmful. The feature gable and chimneys are to be retained.

Any proposed signage will be subject to separate consent.

#### SUMMARY AND RECOMMENDATION

The proposed development involves the change of use of the existing public house to a local convenience store, including a single storey extension to the existing building.

The tenancy of the public house is due to end in July 2020 and a vacant site may potentially be a magnet for anti-social behaviour, to the detriment of the local community and residential environment.

It is considered that the loss of the public house has been justified on the basis that trade is in decline and that there are alternative facilities within the vicinity of the site. It has also been demonstrated that there are no alternative sites capable of accommodating the proposed retail use in, or closer to the local shopping area. The proposed use will not have a significant impact on the amenities of the occupiers of nearby properties and the design and appearance of the development is considered to be in keeping with the existing property and the character of the area. The proposal will create local jobs, contribute to improvements to the night time environment and will ensure that the local facilities and services are able to develop and modernise for the benefit of the wider community as defined by the NPPF.

In accordance with the relevant policies of the UDP, Core Strategy and NPPF the proposal is considered to be sustainable development and as such it is recommended that planning permission is granted subject to the following conditions.

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Case Number	19/03333/OUT
Application Type	Outline Planning Application
Proposal	Demolition of garages and erection of 2 dwellinghouses (approval sought for access only, all other matters reserved)
Location	Garage Block Rear Of 14 To 22 Marcliffe Road Sheffield S6 4AG
Date Received	06/09/2019
Team	West and North
Applicant/Agent	Space Studio
Recommendation	Grant Conditionally

## **Time Limit for Commencement of Development**

1. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (a) Appearance, (b) Landscaping, (c) Layout and (d) Scale (matters reserved by the permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

2. Application for approval in respect of any matter reserved by this permission must be made not later than the expiration of three years from the date of this decision.

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

3. The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

## Approved/Refused Plan(s)

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

Drawing Number- A19-2128-01-site location plan published on the 09.03.19

Drawing Number- A19-2128-02-proposed block plan published on the 09.03.19

Drawing Number- A19-2128-03-proposed sections published on the 09.03.19

Reason: In order to define the permission.

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

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

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

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

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

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

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

8. No development shall commence until a report detailing the flow of surface water through the site and measures to control water runoff has been received

and approved by the Local Planning Authority. The report shall include detail on how the dwellinghouses will be protected from surface water flooding events, and how water will flow through the site during heavy rainfall events. Thereafter, the measures recommended in the report shall be implemented prior to the occupation of the development.

Reason: In order to mitigate against surface water flooding risk.

9. The development shall not be commenced until such time as a scheme to dispose of foul and surface water drainage, including any balancing works and off site works, has been submitted to and approved in writing by the Local Planning Authority. This development shall be implemented in accordance with this scheme thereafter.

Reason: To ensure satisfactory drainage arrangements.

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

10. 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.

11. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

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

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

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

## **Other Compliance Conditions**

13. 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.

14. No gates or barriers shall, when open, project over the adjoining highway.  
Reason: In the interests of pedestrian safety.

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

Reason: To ensure satisfactory drainage arrangements.

### **Attention is Drawn to the Following Directives:**

1. The applicant is advised that the plans submitted with this application are not approved. They have been treated as illustrative only and matters relating to (a) Appearance, (b) Landscaping, (c) Layout and (d) Scale are all reserved for subsequent approval. The applicant is also advised that, while the Local Planning Authority is satisfied that the site can accommodate two residential units, the restricted nature of the site and its proximity to neighbouring properties is such that, in order to prevent any overbearing impact on or overshadowing of those properties, the two residential units are likely to be single-storey.
2. 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.



3. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority
4. 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.
5. The developer should be aware that the size of the development is such that it would be prudent to investigate the ground conditions on the site before proceeding further. Information and advice on ground conditions is available from Building Control, Howden House, 1 Union Street, Sheffield, S1 2SH. If any coal shaft, adit or other coal working is encountered, no work must be carried out without the authorisation of the Local Planning Authority.
6. 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.
7. 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>

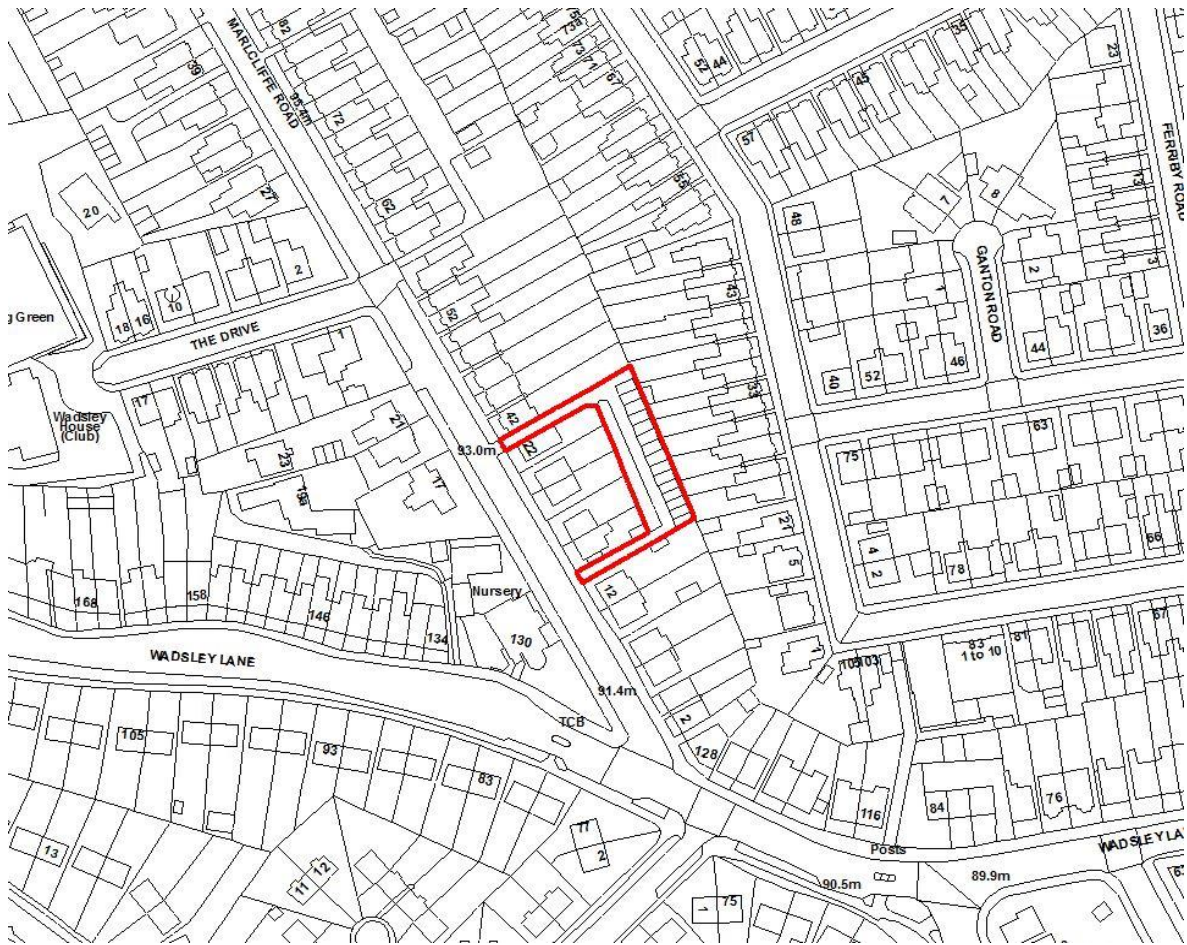
The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk)

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.

8. The proposed development is in close proximity to the norther Powergrid apparatus in the area. You are advised to contact on 0800 389 8204. Further information is also available on the Northern PowerGrid website at: [www.northernpowergrid.com](http://www.northernpowergrid.com)
9. 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.

# Site Location



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## LOCATION AND PROPOSAL

The application site is located within the Wadsley-Hillsborough district of Sheffield and comprises of a narrow plot of a land currently occupied by a series of 15 garages that are used for storage. The site is accessed via two routes, one between numbers 12 and 14 Marlcliffe Road and one between numbers 22 and 42.

To the east the site is bound by the rear gardens of numbers 23 to 37 Overton Road. To the north, south and west by the gardens of properties on Marlcliffe Road. The land falls from west to east such that properties on Marlcliffe Road are higher than those on Overton Road.

Marlcliffe Road is a relatively busy through road linking Wadsley Lane to Langsett Road.

Outline planning permission is sought for the demolition of the garages and the erection of two dwellinghouses, with all matters reserved except the means of access from the highway. As a result, consent is not being sought for layout, scale, design or landscaping. The submitted Design and Access Statement suggests that the proposals comprise of dormer bungalows. However it should be noted that the height and position of the proposed dwellinghouses as shown on the submitted plans are purely indicative.

## RELEVANT PLANNING HISTORY

16/00640/OUT- Demolition of existing garages and erection of 2 dwellinghouses (Amended description) - granted 27.04.16.

## SUMMARY OF REPRESENTATIONS

9 representations (2 from the same author) have been received in relation to the proposed development. 8 (including the duplicate) raised objections and 1 raised a neutral question. The representations are summarised as follows:

### Highway Safety

- The steep gradient of the existing drives is problematic. The driveways are narrow, steep and difficult to turn into and out of, access will therefore be dangerous.
- The poor visibility of the access driveways will cause a danger to pedestrians.
- Cars emerging from between parked vehicles will be hazardous.
- Access will be a problem (eg for deliveries) for anything larger than a small/medium van.
- The removal of the garages will increase on-street parking on Marlcliffe Road, which has high levels of on-street parking.
- On street parking is worse on match days due to the site's proximity to SWFC.
- The existing garages are used for storage purposes with few vehicles using the site, whereas the new dwellings will have regular vehicle use.

### Impact on Neighbouring Houses

- The proposals will overlook the rear gardens and have views into the rooms of neighbouring houses on Marlcliffe Road and Overton Road.
- While the new dwellings are to be built with the apex view to properties on Overton Road, this still allows front windows to overlook directly into the house/garden of some neighbours.
- The proposed dwellings will be overlooked by existing properties.
- The proposed houses will have an overbearing impact on houses on Overton Road, exacerbated by ground level differences.
- The height of the new dwellings is substantially higher than the existing garages; as such the new houses will block direct sunlight to neighbouring houses and their gardens.
- The increase in traffic levels compared to the existing garages will disturb local residents.
- Rear wall of existing garages protects privacy. Demolition of the garages may impact on this privacy.

#### Use and Design and other matters

- The proposal is overdevelopment of the site.
- There are already enough houses in the local area.
- The development of this site would be damaging to and out of character with the area.
- The small scale of the new houses would be out of character with the larger terraces and semi-detached and detached houses in the local area.
- The proposals will increase flood risk as drainage is already a problem for the site.
- Disruption during construction will adversely impact on neighbours.
- Emergency vehicles will be unable to access the new houses.
- Vehicles accessing the site may impact on the foundations of adjoining property.
- The development will impact on the capacity of local schools.

Non-planning matters raised include the impact of the development on views, difficulties disposing of the existing garages (asbestos cement roof tiles) and granting access through neighbouring land.

#### RESPONSE TO REPRESENTATIONS

Many of the concerns raised are covered in following assessment. In relation to these that are not:

- With regards to the impact on the stability of adjoining property, any approved proposals will be required to comply with building regulations and will be subject to a full structural assessment.
- The existing accesses allow unrestricted vehicle movements in close proximity to neighbouring properties. The level of vehicle movements associated with two houses is likely to result in an overall reduction and not cause significant additional disturbance.

- Activity associated with construction will be short-lived. Construction is regarded as a necessary activity, though developers are expected to take reasonable steps to ensure that no undue inconvenience is caused to neighbours.

## PLANNING ASSESSMENT

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

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

Assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is referred to as the "tilted balance".

In addition to the potential for a policy to be out of date by virtue of inconsistency with the NPPF, para 11 of the NPPF makes specific provision in relation to applications involving the provision of housing and provides that where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, the policies which are most important for determining the application will automatically be considered to be out of date.

At the current time, the Council cannot demonstrate a five year supply. The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites, and this includes the appropriate buffer. Consequently the policies that are most important for determining this application are automatically considered to be out of date.

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

It should also be noted that the granting of outline permission for the erection of two dwellinghouses on this site in 2016 (16/00640/OUT) is a material consideration. In the time since that decision the relevant Unitary Development Policies, Core Strategy policies, Supplementary Planning Guidance and the circumstances of the site remain fundamentally unchanged. Whilst the National Planning Policy Framework (NPPF) has been amended in the interim, the central thrust of policies therein remains unchanged.

In assessing the current outline application, it will be necessary to consider the principle of development, the proposed access arrangements and the indicative layout plan in order to establish whether the site can accommodate the proposal.

### Principle of Development

The application site is located within a Housing Area as allocated in the Sheffield Unitary Development Plan. UDP Policy H10 sets out that within such areas housing is the preferred use of land, subject to compliance with other policies including UDP Policy H14 – Conditions on Development in Housing Areas.

Policy H14 sets out that new development will be permitted provided that new buildings are well designed and would be in scale and character with neighbouring buildings; that the site would not be overdeveloped or deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood. The policy also stipulates that development shall provide safe access to the highway network and appropriate off-street parking.

Core Strategy Policy CS23 – Locations for New Housing, sets out the intention that new housing will be concentrated where it will make efficient use of land and infrastructure and in the period 2008/09 to 2020/21 the main focus will be on suitable, sustainably located sites within or adjoining the main urban area of Sheffield.

The application site is considered to be previously developed. The reuse of this brownfield site will contribute towards the objectives of policy CS24 and the target of delivering at least 88% of new housing on previously developed land.

Policy CS26 seeks to promote the efficient use of land and sets out that in urban areas the density should be 30 – 50 dwellings per hectare. The application site is approx. 0.07 hectares in size and the proposed development would have a density of 40 dwellings per hectare, in compliance with policy CS26.

In principle the proposals are considered to comply with policies H10, CS23, CS24 and CS26 as the site is within a sustainable location and makes efficient use of previously development land. Compliance with UDP Policy H14 will be considered later in the report.

### Design Issues

As noted above matters of layout, scale, design and landscaping are reserved for subsequent approval.

An indicative layout plan was submitted with the application which indicates that 2 dwellings with a footprint similar to adjacent properties could be accommodated on the site which allows for suitable provision of off-street car parking and amenity space.

A Design and Access Statement has also been provided which suggests that the proposals comprise of dormer bungalows and that the size, design and facing

materials of the proposed dwellings will take account of local character to ensure that they sit comfortably against neighbouring properties and the wider locality.

It is noted that, due to the topography of the site, any dwelling would be set slightly elevated in relation to dwellings on Overton Road and lower in relation to dwellings on Marlcliffe road. It is considered that, provided the proposed dwellings take account of the topography of the site, as well as the scale and position of neighbouring dwellings, the development would not appear out of character and it is considered that the site is capable of development.

#### Amenity Issues

UDP Policy H14 (c) states development should not result in over-development, deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

An indicative layout plan has been submitted which shows how 2 detached dwellings can be accommodated on the site.

Due to the dimensions of the site, it is considered that some adequate distances can be achieved between the proposed dwellinghouse and surrounding dwellings to ensure that it does not result in overbearing or overlooking to neighbouring residents. It is noted that adjacent neighbouring properties have windows which face towards the site as such sufficient distances between the proposed dwellings and the neighbouring dwellings will need to be provided. It is therefore considered that a single storey dwellings would be adequate in this instance to prevent any overbearing or overlooking into the immediate neighbouring dwellings, a directive will be attached to the decision notice, to ensure that any future applications adhere with this entreaty.

It is considered that suitably designed dwellings could be accommodated on the site without causing unreasonable overbearing, overshadowing or privacy issues.

A sufficient amount of amenity space can be provided for the proposed dwelling and retained for the existing dwelling to ensure that the site is not overdeveloped.

#### Landscaping Issues

UDP policy BE6 - Landscape Design, seeks good quality landscape design in new developments. Landscape details will be reserved by condition, though the indicative plans show two good sized garden areas and the footprint of the new houses will likely be less than that of the existing garages.

#### Highways Issues

Outline consent is sought for access to the development, and the submission proposes the use of the two existing access ways as individual drives for each dwellinghouse.



The access drives have a gradient of 1:7. This is a not inconsequential gradient, particularly given that the recommend gradient for driveways for parking on is not more than 1:12. However, the drives will be used primarily for access and not for maintaining a stationary vehicle. The amount of land available provides the capacity for 2 parked vehicles as well as turning facilities for each dwellinghouse, which is considered to sufficient.

The existing access ways serve 15 garages and the level of potential car movements in and out of them is relatively high. It is noted in representations that the level of car movements is likely lower than expected as many of the garages are used for storage as opposed to daily parking. However, this still requires relatively regular use of the access routes to enable goods to be transported to and from the garages.

The level of car movements for a single 2-car household equate to approximately 4-6 car movements per day (with commuting to work and travel for leisure/shopping). Therefore the level of movements over the course of a day will not be significant, and not significantly higher than the existing garages (with an assumption that each garage could be visited, on average, twice per week).

The existing access ways do not benefit from pedestrian or vehicular inter-visibility splays, and suffer from poor visibility of the pavement in particular. This is due to the height of existing boundary treatments. As these are not in the ownership of the applicant there is no opportunity to lower these to an appropriate level to improve visibility.

This arrangement is not ideal. However, bearing in mind the existing use of the access ways and the fact that car movements should not be materially different, the scheme should not cause a material increase in the danger to pedestrians. The danger is further limited by the gradients of the drives, whereby cars leaving the site will be travelling uphill and at low speeds as they exit.

In this location Marlcliffe Road is not heavily trafficked and is straight. In addition, parked cars on the road limit traffic speeds. The movement of cars in and out of the access ways should, therefore, not cause a material harm to traffic safety.

As previously described, there is space on site to provide parking for 2 vehicles and room for turning. Moreover, given the distance of the site from the highway, future residents are unlikely to park on street. The loss of the existing garage spaces will limit the availability of potential parking but as the garages are not commonly used for car parking, this limits the potential for parking to spill out onto the street. In addition, around 50% of houses on the immediate stretch of Marlcliffe Road benefit from off-street parking, whilst the absence of traditional residential frontages on the opposite side of Marlcliffe Road provides additional parking opportunities. .

Parking by football spectators is an issue for everyone in the local area. However, this is limited to set times of the week, and the amount of on street parking available during match times will always be highly limited, regardless of whether the development is approved or not.

The two access ways are too narrow for emergency vehicles. However, this does not prevent appliances parking on Marlcliffe Road and accessing the site on foot. For fire appliances, there is a need for any new houses to be within 45m of the highway. The access roads are between 24m and 30m in length, which allows scope for the houses to be erected within reach of the hoses. Should a development require a layout with parts beyond the extent of the standard hose, sprinkler systems can be employed and enforced by condition to allow for extra time during an emergency for longer hoses to be employed.

#### Community Infrastructure Levy

The site lies within an area where there is £30 per m<sup>2</sup> CIL charge.

#### SUMMARY AND RECOMMENDATION

The redevelopment of this brownfield site for residential purposes is the preferred use of land in policy terms and, in light of the above assessment and subject to the reserved matters, it is considered that the site can accommodate two single storey dwellinghouses (with accommodation in the roof) whilst protecting the amenities of the occupiers of neighbouring dwellinghouses and providing safe access to the highway. In addition the development will make a small but welcome contribution to the city's housing supply.

It is therefore recommended that Members grant outline planning permission for the demolition of the garages and the erection of two dwellinghouses, with all matters reserved except the means of access.

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Case Number	18/03937/OUT (Formerly PP-07351243)
Application Type	Outline Planning Application
Proposal	Outline application (landscaping reserved) for demolition of the existing buildings and erection of 2x two-storey buildings to form 4x one-bedroomed flats and 2x studios (Use Class C3 - Dwellinghouses)
Location	Starkholme Buildings 3 Leyburn Road Sheffield S8 0XA
Date Received	22/10/2018
Team	South
Applicant/Agent	DLP Planning Ltd
Recommendation	Refuse

**Refuse for the following reason(s):**

1. The Local Planning Authority consider that the proposed development by reason of its close proximity to neighbouring residential property, nos. 9, 11 and 13 Leyburn Road and the flats at 519 and 521 Abbeydale Road, would have an oppressive and overbearing appearance, to the detriment of the living conditions of occupiers of those properties. As such the development would be contrary to Policies H5 and H14 of the Unitary Development Plan for Sheffield, CS74 of the Sheffield Development Framework Core Strategy and, Paragraph 127 f) of the National Planning Policy Framework.
2. The Local Planning Authority considers that the close proximity of windows in the east elevation of Unit 6 within the northern apartment block to the adjacent public open space would unacceptably prejudice any future development of the adjacent site. The development would not therefore represent a sustainable form of development, contrary to Policy CS74 of the Sheffield Development Framework Core Strategy and paragraph 7 of the National Planning Policy Framework.
3. The Local Planning Authority consider that the proposed development would constitute an overdevelopment of a site of restricted dimensions which would result in overlooking between the two blocks, overbearing and lack of privacy to the detriment of the living conditions of future occupiers of the proposed new residential flats. This proposal would therefore be contrary to Policies BE5, H5, and H14 of the Unitary Development Plan and contrary to Policy

CS74 of the Sheffield Core Strategy and, contrary to Paragraph 127 f) of the National Planning Policy Framework.

4. The Local Planning Authority consider that in the absence of a detailed Flood Risk Assessment and any proposed flood mitigation or resilience measures, the applicant has failed to reasonably demonstrate that the proposed development can be carried out without any adverse risk from flooding and as such, the proposal would be contrary to UDP Policy GE20, Sheffield Development Framework Core Strategy Policy CS67 and, Paragraphs 160, 161 and 163 of the National Planning Policy Framework.
5. The Local Planning Authority consider that the vehicular activity generated by the development would lead to an adverse increase in on-street parking and vehicle manoeuvring on Leyburn Road, an already congested highway, which would have a detrimental impact on highway safety. As such the proposal would be contrary to Policies H5 and H14 of the Unitary Development Plan for Sheffield and Paragraph 109 of the National Planning Policy Framework.

**Attention is Drawn to the Following Directives:**

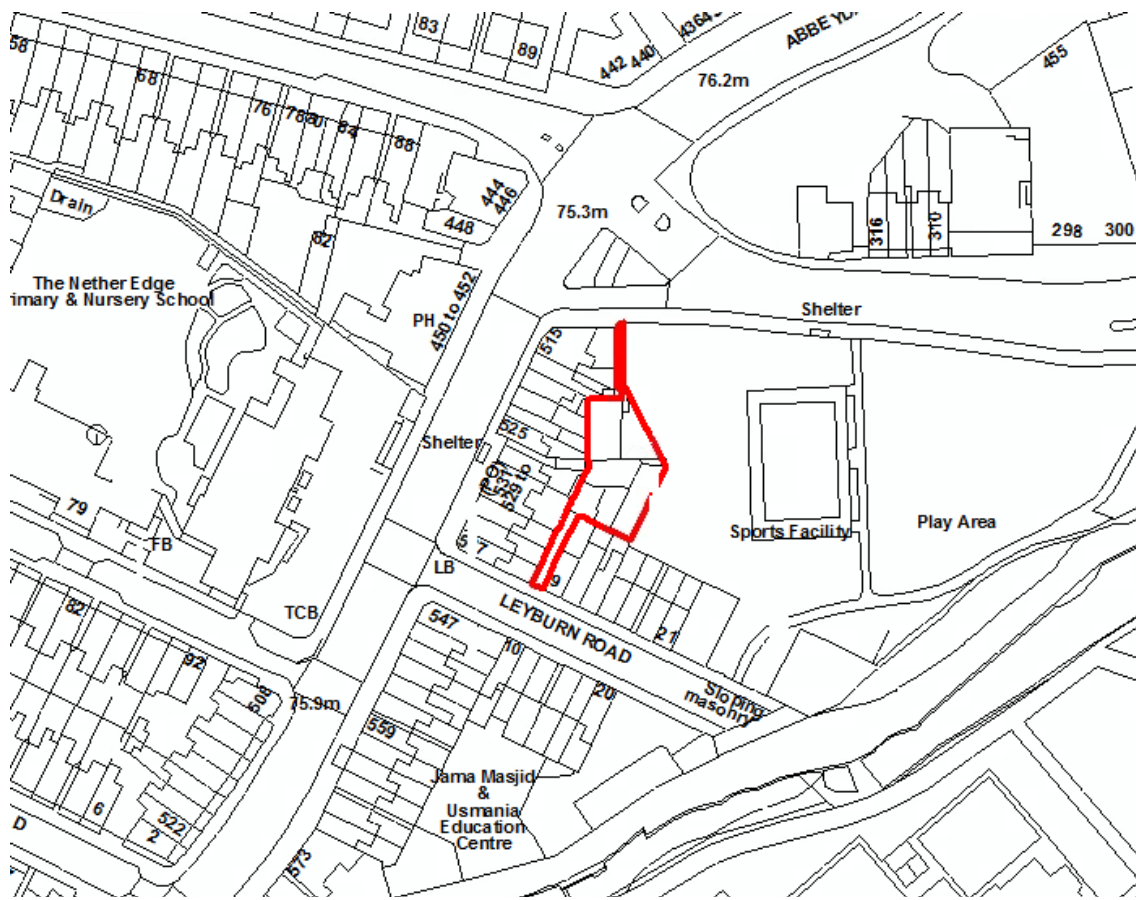
1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, the application is considered contrary to policy requirements, and, there being no perceived amendments that would address these shortcomings without compromising the fundamental intention of the scheme the Local Planning Authority had no alternative but to refuse consent.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Drawing No. 02 Revision E (Proposed Plans & Elevations) as received on the 20th May 2019;

Drawing No.03 Revision C (Proposed Site Layout Plan) as received on the 20th May 2019;

The additional email correspondence from the planning agent received on the 15th October 2019.

# Site Location



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## LOCATION AND PROPOSAL

This is an outline application for demolition of existing brick-built former workshop buildings and then the subsequent redevelopment of the site to form 2 x two-storey buildings to accommodate 4 x one-bedroom flats and 2 x studios (6 residential units in total) with associated amenity space. The matters being considered by this outline application include: - access, appearance, layout and scale. The matters not being considered (landscaping) are being reserved for a subsequent reserved matters application.

The application site falls within a Housing Policy Area and is surrounded by Open Space to the north and east, residential properties (on Leyburn Road) to the south and shops and commercial properties fronting Abbeydale Road to the west. Some of these have separate residential flats above.

Under this proposal the applicant is seeking to clear the site of all of the existing buildings and to then create two blocks of residential accommodation. The larger of the two blocks would have dimensions of approx. 13.4 metres in width by approx. 7.2 metres in depth and approx. 5.8 metres in height. The larger block would have a flat roof. This block would include 3 identical residential units spread over two floors. Each residential unit would incorporate a kitchen, a main lounge/sitting room and w.c. all on the ground floor level with an en-suite bathroom and 1 bedroom at first-floor level. Each of the units would have a small enclosed front forecourt amenity area (approx. 8.5 sq. metres each). All 3 units in this block would be single-aspect with windows and doors all facing north-east beyond the enclosed forecourt area onto a communal amenity space, with the new second smaller residential block beyond.

The smaller of the two residential blocks would have dimensions of approx. 9.1 metres in width by 7.4 metres in depth and 5.8 metres in height. This second/smaller block would also be constructed with a flat roof. The block would incorporate 2 x studio flats at ground floor level with a further 1-bedroom flat at first-floor level. Both ground floor studio apartments would be single aspect with windows and doors facing south towards the proposed new larger residential block. The proposed first-floor flat in the new smaller block would have 2 first-floor oriel windows on the south facing elevation and other windows/Juliette balcony type openings on the east facing elevation (looking towards the Broadfield Park open space area).

Both blocks will be faced in red brick and the flat roof will be in the form of a grey resin bond (or similar). The windows and doors will be framed using a graphite grey aluminium material.

The proposed scheme is being designed with two pedestrian access points, one off Broadfield Road on land that is currently owned by the City Council and the other access being off Leyburn Road via an existing shared access path located at the side of no.9 Leyburn Road. As well as providing access to the development site, the existing shared access path at the side of no.9 Leyburn Road allows pedestrian access to the rear of nos. 9, 11 and 13 Leyburn Road.

The scheme would incorporate a communal courtyard amenity space, cycle parking for 8 bikes, 2 bin storage areas and enclosure walling/fencing. The plans indicatively show some landscaping but the details of landscaping have been reserved as part of this outline application.

No off street parking is proposed and the applicant has stated that this is intended to be a car-free development.

## RELEVANT PLANNING HISTORY

There have been no other formal planning applications for the site. The application site had been used historically as a workshop with ancillary office space above. In more recent years (approx. 2012 to 2016) there is evidence to indicate that the building had unlawfully been used as a fitness gym/community centre building. The building is currently vacant.

## SUMMARY OF REPRESENTATIONS

A total of 23 representations have been received in response to this application (this includes a representation from Councillor Alison Teal). Of the representations received 9 representations are in support of the proposal and 13 representations are opposed to the proposal. One representation has identified as being neutral (neither objecting nor supporting the proposal).

The representations have been assessed and a summary of them is listed below:-

In Support of the Proposal (9 representations):-

- The building has been derelict and as a consequence has attracted anti-social behaviour which has had a negative impact for local businesses.
- The building currently has no use and therefore a new use/development will help to uplift the area.
- The proposal will deliver more modern, contemporary, affordable housing in the area which will be suitable for younger people.
- This type of housing will enhance the area and will be a positive thing for the existing community and those wanting to move into the locality.
- The existing site has been used as a dumping site for waste and the existing buildings have been broken into on many occasions, bringing the site back into use should help prevent these types of anti-social behaviour.
- This area needs more single flats/affordable housing because the S7 postcode has become very expensive.
- The proposal will create good opportunities and support the local economy in the area.
- The development will lead to much needed regeneration in the area.
- The proposal will be good for the local community.

One Neutral Representation:-

- There is an allegation that a false representation (objecting to the proposal) has been submitted. This neutral representation is a counter-representation

confirming that the sender did not actually send the original objecting representation and, that the sender wishes to remain neutral with regard to the application proposal.

Objections to the Proposal (13 representations):-

- Parking is a real issue in the area and particularly on Leyburn Road (a dead-end road that also serves a busy mosque). Parking on Leyburn Road is chaotic and very often leads to arguments and conflict. It's very difficult for existing residents to park on the road, this development will only add to the parking problems and congestion on Leyburn Road.
- The pedestrian access path to the site off Leyburn Road is a shared path with existing neighbours and, under this proposal the path will become cluttered with wheelie bins serving the new residential units (up to 18 new bins). The clutter of bins will prevent easy access for pedestrians and people pushing prams etc. The clutter of bins stored in the walkway/access path would also be visually harmful and lead to unpleasant smells and litter.
- The increased height of the proposed new development will lead to a reduction of natural light entering existing neighbouring properties and gardens.
- There should be no new windows in the rear elevation wall of the development (either now or in the future) because that would lead to loss of privacy issues.
- There's no indication of a timeframe for the development, this is important because big lorries and the construction works will create a lot of noise and disruptions.
- The proposed number of units is clearly an overdevelopment of the site.
- How will the demolition works be carried out without having some detrimental impact on existing residents?
- If the development is allowed, it would mean that occupants of those units would be able to overlook bathrooms, bedrooms and gardens of neighbouring residents. There would also be uninterrupted views onto the park which is constantly used by young children.
- Is the building that is earmarked for demolition not suitable for Listed Building status?
- The new development will result in overshadowing of the neighbouring rear garden/yard areas.
- Those businesses that are in support of the proposal face out towards Abbeydale Road and are only open during normal business hours, so they won't be affected in the same way that residents will be affected.
- The windows and openings overlooking the park could lead to inappropriate behaviour and/or people living in the flats taking photos or videos of children playing in the park.
- The park has many trees which provide habitats in them.
- Leyburn Road is a cul-de-sac road and as a consequence, with so much traffic and parked cars, it's very difficult for vehicles to turn or manoeuvre on the road.
- Where would the heavy goods vehicles park during the demolition and construction stages of the works?
- Where would construction materials be stored or delivered to when the works did eventually commence??



- If the community park area is used for the delivery and storage of building materials, this would pose a risk in terms of pedestrian and highway safety.
- The proposal (which also includes extensive demolition works) will lead to high levels of noise, construction traffic, dust, and mud being deposited on the adjacent roads which will cause distress for local residents.
- Those in support of the proposal have suggested that the proposed development would lead to a reduction in anti-social behaviour. South Yorkshire Police official figures indicate that during the past 5-year evidence, anti-social behaviour in the Broadfield Park locality has been in a steady decline. The installation of CCTV adjacent to the property by the Police and the Council has also contributed to the decline in anti-social behaviour in the area.
- The applicant has described the building as being 'derelict for many years', this is not true, the building has been actively used by the community and this can be verified by the ward councillors. The area is vibrant, especially the park.
- There are concerns regarding access to the site. Currently there is a private access path from the back of properties 515, 517 and 517a to Broadfield Road. This private access is indicated on the deeds/land registry documents. We object strongly that this path is the primary access for the new development. The submitted plans show the path as being a right of way but legally it is not.
- The existing public park trees do not appear to be shown in the correct positions on the plans. The trees are habitat to many birds and wildlife that is so important in this busy urban area. The trees and wildlife are important for the benefit of park users, residents and local people. Are there any assurances that the trees will not be affected??

Councillor Alison Teal has made representations on behalf of local residents with whom she has met at the site:-

- The proposal appears to rely on the use of land belonging to others in order to gain access to the proposed development.
- There are concerns from local residents about where the bins for the new housing will be stored and collected from by Veolia.
- Several of the local residents have English as a second language and are unlikely to have fully understood the proposal, Councillor Teal had indicated that she would like more time to discuss the proposals with the local residents and to then possibly submit comments on their behalf.

Non-Planning Related Concerns:-

- Where will the services be located, the owner of the building has stated that the building has no gas or water running to it.
- The applicant has been putting pressure on neighbouring residents/tenants into supporting the proposal.
- This development could lead to community unrest because residents are very unhappy about the proposals.
- A new access path has been created from the Broadfield Road side, did this ever get planning permission?? The path is on Council-owned land, is this path legal??

## PLANNING ASSESSMENT

It is considered that the main issues relevant to this application are as follows:-

- Policy and Land Use;
- Effects on the amenities and living conditions of neighbouring residents and on the occupiers of the proposed flats;
- Highway Issues;
- Design Issues and its effect on the character and appearance of the surrounding area; and
- Flood Risk Issues.

### Policy & Land Use

The National Planning Policy Framework (NPPF) sets out the Government's overarching framework from which to assess planning applications. The Sheffield Unitary Development Plan (UDP) and the Sheffield Core Strategy both represent the City Council's local planning policies.

Paragraph 8 of the NPPF identifies three core objectives in order to achieve sustainable development:-

- a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and co-ordinating the provision of infrastructure;
- b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and supports communities' health, social and cultural well-being; and
- c) An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF (2019) 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.

The Local Planning Authority is in the process of updating its five 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. The Local Planning Authority will therefore be undertaking additional work, including engagement with stakeholders, to reflect the requirements of national

policy and guidance before publishing the conclusions in a monitoring report later this year. The Council's most recent assessment of supply, contained in the Strategic Housing Land Availability Assessment (SHLAA) Interim Position Paper (2017), showed a 4.5 year supply of sites. At the current time, the Council cannot therefore demonstrate a five year supply.

Paragraph 95 of the NPPF places a strong emphasis on promoting public safety by anticipating and addressing threats and hazards, especially in locations where large numbers of people are expected to congregate. The NPPF commentary also states that the new developments should also include measures to help reduce vulnerability, increase resilience and ensure public safety and security.

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.

Paragraph 117 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF goes on to state (at paragraph 127), that planning policies and decisions should ensure that developments:-

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
- d) Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and

where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The Sheffield Unitary Development Plan (UDP) and the Sheffield Core Strategy are the City Council's local planning policies and, incorporate the relevant planning policies by which the proposal also needs to be assessed. Officers consider that the most relevant local planning policies from the Sheffield Unitary Development Plan (UDP) and the Sheffield Core Strategy are:

UDP Policies:-

H10 (Development in Housing Areas)  
H5 (Flats, Bed-Sitters and Shared Housing)  
H14 (Conditions on Development in Housing Areas)  
H15 (Design of New Housing Developments)  
BE5 (Building Design & Siting)  
GE20 (Flood Defence)

Core Strategy Policies:-

CS24 (Maximising the Use of Previously Developed Land for New Housing)  
CS26 (Efficient Use of Housing Land and Accessibility)  
CS41 (Creating Mixed Communities)  
CS63 (Responses to Climate Change)  
CS67 (Flood Risk Management)  
CS74 (Design Principles)

Although designed initially for house extensions, the adopted Supplementary Planning Guidance (SPG) "Designing House Extensions" is also a useful adopted policy document that provides relevant guidelines when considering the impact on residential amenity (such as minimum separation distances, minimum garden/amenity spaces, etc.).

Policies and guidelines in the aforementioned documents are referred to as relevant in the sections that follow.

Given that the application site lies within a Housing Policy Area (where housing uses are preferred), officers are satisfied that the principle of new housing at this site is acceptable in land use terms, and therefore, the proposal satisfies UDP Policy H10.

Core Strategy CS24 seeks to maximise the use of previously developed land for new housing. This proposal is for development of a small site within a Housing Policy Area. The site has previously been used and is in state of disrepair and therefore this proposal would satisfy the aims of Policy CS24.

Also of relevance is Core Strategy Policy CS26, which seeks the efficient use of housing land. With regard to this policy, the site is located in an area where a density in the order of 40 to 60 dwellinghouse per hectare should be achieved. The policy does allow development outside these ranges but only where they achieve good design, reflect the character of an area or protect a sensitive site. In this instance, the proposed development of 6 residential units (4 flats and 2 studios) on this 433.64

square metre site area equates to a density of 138.36 dwellings per hectare, which would be significantly higher than the 40 to 60 density range normally expected.

### Living Conditions of Neighbouring Residents and Future Occupants

This proposed scheme is for demolition and new build. The proposed layout of the new development is such that there would be two main residential blocks (each being two-storey and containing 3 residential units) positioned either side of central courtyard area. The proposed residential blocks would occupy a similar layout/footprint to the existing configuration of buildings at the site.

In terms of amenity issues, the key components are considered to be the relationships between the two residential blocks and existing neighbouring properties; the relationship between the two residential blocks themselves and, the relationship between the two residential blocks and the adjacent area of open space.

#### Block A

The proposed scheme will result in the larger of the two blocks (identified as block A for the purpose of this report) being positioned approximately 8 metres away from the rear elevations of property nos. 9 to 13 Leyburn Road. Although this is a similar separation distance to the existing building, part of that building is currently only single-storey and therefore, officers consider that this proposal for a wider two-storey development will have a detrimental impact on the occupants of nos. 9 and 11 Leyburn Road who would now face a two-storey building with a separation distance of only approx. 8 metres from their ground and first floor north facing windows and within a couple of metres of their rear yard/amenity areas.

The submitted plans show (in a cross section) that the new build accommodation will be slightly lower in height than the existing building (by approx. one metre) and slightly further away from the houses at the rear on Leyburn Road (by approx. half a metre) which is certainly viewed as a positive aspect of the proposal however, the plans don't readily show that the existing building at the rear of nos. 9 – 11 Leyburn Road is only part-two-storey and part single-storey. The existing building is only two-storey at the rear of nos. 11 and 13 Leyburn Road but under this proposal will become two-storey for an extended width of approximately 5 metres, thereby having a much greater impact on the living conditions of the occupiers of nos. 9 and 11 Leyburn Road which would now be much more enclosed-in at the rear and would have significantly higher walls creating overbearing features and further reducing natural light reaching the rear yards/gardens of nos. 9 and 11 Leyburn Road.

Although specifically related to house extensions, when assessing the impact of new development on neighbouring properties, the Council commonly uses the guidance contained in SPG Designing House Extensions as an empirical guide when considering new housing development. At Guideline 5, it states that to prevent unreasonable overshadowing and over-dominance of neighbouring dwellings including loss of outlook, a two-storey extension should not be placed nearer than 12m in front of ground floor main windows of a neighbouring dwelling. As noted above, in this instance, the separation distance from the block A accommodation to the neighbours will be approximately 8 metres, which would fall below the recommended guidance set out in SPG Designing House Extensions to prevent loss of outlook. The detrimental impact in

this instance is also made worse by the fact that the existing rear-facing windows of nos. 9 to 13 Leyburn Road are predominantly north-facing and therefore don't receive as much natural sunlight in any case.

Given this and the fact that the new two-storey build would be erected along the full width of the rear gardens of neighbouring properties (particularly nos. 9 and 11 Leyburn Road) this would mean that the overall impact of the new build would be significant. It is considered therefore that the development would conflict with UDP Policy H14 which seeks to protect the amenities and living conditions of occupiers of existing neighbouring properties.

#### Block B

The smaller of the two blocks (identified as block B for the purpose of this report) will be positioned approx. 5 metres away at its closest point and approx. 9 metres at its furthest point from the rear elevations of properties on Abbeydale Road (in particular nos. 519 and 521 Abbeydale Road). Whilst it is acknowledged that the existing building is currently slightly closer (approx. 4 metres at its closest point, ranging up to approx. 10 metres at its furthest point), under this proposal, the new structure will be two-storey and not single-storey at that closest point, and as such, the proposed new-build structure will have a significantly more detrimental and overbearing impact on those properties on Abbeydale Road. Many of these are commercial units at ground floor level with residential flats above.

Whilst not the case for every shop, some of the yard areas at the rear of some of the shops units on Abbeydale Road (between nos. 519 and 525) are used by the flats as shared amenity spaces (particularly those that are accessed from the rear). The impact on neighbouring amenities in this respect therefore is the overbearing impact of a higher eaves height in such close proximity to amenity yard areas and, the closer proximity of that same higher eaves height to rear first-floor windows that would face out onto the new build structure at very close range (5 metres at the closest point ranging up to 9 metres from the furthest point).

Both block A and block B have been designed with no windows or other openings at the rear and as such (particularly in the case of block A, the larger block) there will be a large expanse of brickwork facing the rear elevations of residential properties adding to the overbearing presence of the development and also creating a sense of being more hemmed-in. Not only would this be detrimental to the views from existing rear facing windows of the neighbouring properties, but it would also have a significant and detrimental impact on the rear gardens/yard areas of the adjacent properties which are already relatively small and, are north facing.

With regard to the Block B building, officers recognise that the new building will be positioned slightly further away by approx. 1.2 metres (and at an angle) from the rear elevations of properties on Abbeydale Road (nos. 519 to 525), however off-set against that increased separation is the fact that the existing building has a lower eaves line and the new building will have a higher eaves line (a difference of approx. 1 metre to the bottom of the chamfered roof slope).

For balance, it could be argued that this section of the development has a neutral impact when considering what already exists on site. It is a concern however, that the new build

structure (block B) will be positioned unusually close to the rear of properties on Abbeydale Road and will still have an overbearing impact on their rear yard areas, some of which are used as amenity spaces for the first-floor flats. Unlike the existing single-storey structure which has a roof slope that grades away from the properties on Abbeydale Road, the new structure would appear more imposing despite being set further away from the party boundary.

### Summary of Impact on Neighbouring Residents

For the reasons above it is considered that the development represents a reduction in living conditions for the occupants of no's 9 and 11 Leyburn Road, and 519 to 525 Abbeydale Road all of which already have small north facing yards/amenity areas, and restricted outlook from predominantly north facing windows. The development is therefore considered to conflict with the aims of Policies H14 and BE5 of the UDP and paragraph 127 of the NPPF.

### Future Occupiers

The scheme is designed such that block A has single aspect openings, with the doors and windows facing north/north-east towards block B at an angle. The separation distance between the ground and first-floor window openings of block A and the front façade of block B is approx. 7 metres at the closest point, ranging to approx. 10.5 metres at the furthest point. The two blocks have principal elevations that are set at an angle of approximately 27 degrees to one another.

Supplementary Planning Guidance recommends a minimum separation distance of 12 metres where ground floor windows face towards a two-storey structure such as a gable end/blank wall etc. or, a 21-metre separation distance in instances where windows to main habitable rooms face directly onto one another. The applicant has attempted to overcome this shortfall by introducing oriel windows to the front elevation of block B so as to reduce the direct overlooking between the two blocks. Whilst the oriel windows help to some degree, there is still the ability, partly because of the very close proximity of approx. 8 metres, for the future occupants to look directly into the neighbouring properties.

Given that the windows in block A are the only windows to the accommodation because of the single aspect nature of the accommodation it is critical that these windows have a reasonable outlook that doesn't face onto another two-storey building at very close quarters. The ground floor windows in the block A units are the main living/sitting rooms and the first-floor windows in the block A units are bedrooms, i.e. main habitable rooms where privacy issues and the need for a reasonable outlook are more significant. Both ground and first-floor windows are large full height windows needed to maximise the light entering the living accommodation and are the only sources of natural light for those rooms. The windows in block A, serving units 1 and 2 would be facing the block B building at a distance of 8 to 9 metres. Maintaining minimum separation guidelines is not only important for ensuring some degree of privacy between neighbouring properties, but also, to ensure that neighbouring buildings aren't overbearing to one another in terms of windows and amenity spaces and allow a reasonable degree of natural light to enter.

The very close proximity between block A and block B will lead to loss of privacy, loss of light and create a sense of overbearing and a perception of being overlooked. For these

reasons, it is considered that this proposal would be contrary to adopted SPG, UDP Policy H14 (c) and good design principles (as a result of the cramped and overdeveloped layout and the loss of light and privacy) that would also result in a poor living environment for the future occupiers of the proposed new residential units.

It is also noted that the principal window openings to the residential units in block A (and to a degree the window openings to block B) face out onto the communal amenity space/courtyard area, and as such, the ground-floor level windows and openings to these flats could be subjected to noise and loss of privacy from activity taking place in the communal/courtyard amenity areas. Whilst officers acknowledge that there is a new enclosure being proposed to the front of each of the residential units, the enclosure is only low-level (approx. 1 metre) and is positioned relatively close to the front façade of the flats (2 metres) and therefore cannot offer much protection in terms of loss of privacy or noise generated in the communal amenity space.

The communal amenity/courtyard space would be for the use of the future occupants, but would also be used by visitors, and people delivering goods/parcels etc. There would be instances where visitors to the site would be passing the main windows of the new flats at close range, adding to the absence of privacy. In order to overcome this, occupants would have to rely on blinds or curtains for privacy. Officers are of the opinion that this would contribute to the poor living environment for the future occupants of the flats based on the fact that the properties only have a limited number of windows/openings and those openings are highly likely to be screened (by curtains or blinds) in order to maintain some degree of privacy.

Officers do acknowledge that the communal amenity space provides a valuable shared amenity space on a development site where limited external space is available. The communal amenity space will also be a space where future occupants could meet and engage with one another. Despite being helpful in promoting and fostering good communal/community spirit and interaction, this would not override the needs of individuals whom are likely to place their privacy needs over a secondary benefit of communal interaction.

Block B (the smaller of the two proposed residential blocks) is positioned approx. 1.6 metres from the existing boundary with the adjacent area of open space (Broadfield Park). The gradients of open space are such that there is an elevated mound that would be approx. 7 to 8 metres away from the upper floor windows and openings on the east elevation of block B. This proposal could therefore result in invasion of privacy and overlooking (and potential for noise nuisance) between the upper mound of the park and the first-floor windows serving a kitchen and a lounge to unit 6 on the east elevation of the block B accommodation.

This close proximity of block B to the site boundary is such that the upper floor windows on the east elevation of block B are entirely reliant on the neighbouring open space site for light and outlook which, would have a detrimental impact on the future development potential of the neighbouring site, either in its current use, or any future redevelopment. This does not represent good planning and would be an unreasonable restriction and imposition on the neighbouring land. This is not an issue that can readily be resolved within the current proposed layout, as removing the upper floor windows on this elevation of unit 6 would likely lead to no outlook from main habitable rooms.



Officers consider that even though this is only a small-scale development of 6 residential units, the principles for ensuring public/user safety are still relevant and should be applied as good practice when dealing with all new residential developments. In this instance, officers consider that the creation of long narrow entry routes into the site with no natural surveillance, improved lighting or secure gated entry points does nothing to promote this development as being a safe and secure environment for the future occupants and/or visitors.

The submitted site layout plan shows the bin storage areas for the new flats located in two separate locations (one being near the entrance to the pedestrian access off Leyburn Road, adjacent to no.9 Leyburn Road) and the other being within the communal courtyard area. On bin collection days, bins in the communal amenity space would have to be transported to either Broadfield Road or Leyburn Road (distances of approx. 30 to 40 metres away which is not ideal).

There is an existing bin storage issue with bins regularly stored within the main passage/access to the site off Leyburn Road. The proposed layout does not provide sufficient bin storage for the six units, which is likely to exacerbate this issue, and is a further indication of overdevelopment of the site.

Policy H5 (b) of the Sheffield Unitary Development Plan (UDP) deals with proposals for flats, bed-sitters and shared housing, the policy makes it clear that the living conditions of new developments of this type should be satisfactory for occupants of the new accommodation and for their immediate neighbours. For many of the reasons outlined above, it is considered that the scheme would conflict with this policy.

The applicant has confirmed that the pedestrian entry point from Leyburn Road will be partially bricked-up with a 1.5 metre high brick wall) and that a new 1.5 metre high gate will also be erected.

#### Summary of Future Occupiers' Living Conditions

There is insufficient separation between main windows serving the two blocks that will lead to a lack of privacy and poor outlook for future occupants of both blocks. Occupants will also be subject to overlooking from the adjacent Open Space.

The above-mentioned amenity issues are generally borne out of the fact that the site is being overdeveloped and that there is a desire to maximise the number of units on the site without reasonable care or consideration for the amenities and living conditions of either the existing neighbouring residents or the future occupants of the development. As such, the proposed development fails to satisfy Policies BE5, H14 and H5 of the Sheffield Unitary Development Plan and, Guidelines 5 and 6 of the "Designing House Extensions" Supplementary Planning Guidance (SPG).

#### Highway Issues

UDP Policy H14 requires new developments to be provided with safe access to the highway network and also be provided with appropriate off-street parking.

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

The development of the site does not include any provision for off-street car parking. It is recognised however, that the site is located within a sustainable location close to shops and services and also close to good public transport links (along the Abbeydale Road corridor and, to a lesser degree, the Chesterfield Road corridor). The application scheme shows provision for 8 on-site cycle parking spaces (located adjacent to the communal courtyard/amenity space) which would help mitigate to some degree that the development has no off-street car parking provision, and would promote sustainable transport.

Despite being in a sustainable location, officers consider that the construction of 6 self-contained residential units would lead to an increase in on-street car parking. It's also clear that because of the highway layouts and parking restrictions in this immediate locality (i.e. on both Abbeydale Road and Broadfield Road), any increased traffic and parking demand generated by the development, including by occupants, visitors and deliveries would more than likely occur on Leyburn Road. Leyburn Road is a short cul-de-sac road that already serves approximately 14 dwellings, some of the flats above shops and, an existing mosque building. Whilst the mosque building does have some designated off-street car parking, observations by officers have revealed that the level of off-street car parking at the mosque does not meet the demand created by its users, and therefore, there are regular occurrences of mosque-users parking on Leyburn Road.

In addition to the residents and some mosque-users, Leyburn Road is also frequently used by people visiting the local shops, the nearby school and, the open space/Broadfield Park. In this regard therefore, as demonstrated by the representations, the cumulative impact of increased levels of traffic on Leyburn Road is already having a detrimental impact on the amenities of local residents and on highway safety, particularly at peak times and when the mosque building is in full use. There are no designated turning areas on the road and cars have been observed reversing back out onto Abbeydale Road (a scenario created when two vehicles meet head-on close to the junction). Such instances clearly pose a risk to pedestrian and highway safety.

A reduced scheme would limit the potential impact of the development upon highway safety, however, in its current form the proposed development would lead to an increase in on-street car parking and vehicle movements on Leyburn Road which, cumulatively would have a significant and detrimental impact on pedestrian and highway safety, as such, the proposal would be contrary to Policy H14 (d) of the Sheffield Unitary Development Plan and also contrary to Paragraph 109 of the NPPF.

#### Character and Appearance of the Surrounding Area

UDP Policy BE5 'Building Design & Siting' seeks to ensure that new developments are well designed and make use of good quality materials. This policy goes on to state that new buildings should complement the scale, form and architectural style of surrounding buildings; and that where there is more than one building being proposed, there should be a comprehensive and co-ordinated approach to the overall design. The policy states

that design should be on a human scale wherever possible the mass of buildings should be broken down. The design, orientation and layout of developments should encourage the conservation of energy and other natural resources.

In terms of the user-requirements of new developments, the design of buildings, landscaping and lighting should promote all aspects of personal safety and security, particularly at night time and, designs should also meet the needs of users, particularly people with disabilities, elderly people, people with children, and women.

The proposed scheme is effectively two separate residential blocks separated by an approximate 8m/9m wide central courtyard. The proposed blocks will be constructed in red brick (with the actual brick type to be confirmed). Each of the two buildings will have a flat roof using a grey resin bond or similar material. The proposed fenestration detailing will consist of graphite grey aluminium frames.

In order to reduce and minimise the overbearing impact on existing neighbouring residents, each of the two residential blocks has been designed with a chamfered rear roof shape. Whilst the chamfered roof shape benefits to a degree the immediate neighbours by way of reduced massing close to the boundary, it does result in the south elevation of the smaller block having an asymmetrical appearance which is not ideal in design terms.

The proposed residential development is for a demolition and re-build, and therefore despite the constraints of the site, this was an opportunity to deliver a more creative and well-designed scheme that offered more in terms of visual appearance for surrounding neighbours and more in terms of visual interest from the public domain. A well-designed scheme might also have delivered a development that was also more user-friendly in terms of features such as: - location of bin storage areas, bin travel distances, better use of orientation and maybe the inclusion of some sustainable features. Instead, the resulting design has a cramped appearance that creates a poor living environment for both the future occupants of the development and also for existing neighbouring residents.

Whilst there are overall design aspects of this development that are not ideal, officers do not consider this to be a strong enough reason in itself to justify a reason for refusal, particularly as the redevelopment of the site would secure the removal of an unsightly cluster of buildings that have a hap-hazard range of extensions and materials and that have been poorly maintained and therefore have an unsightly appearance at present.

#### Flood Risk Issues

The application site lies within a Flood Zone 2 area where there is a medium risk of flooding.

The NPPF and the following UDP and Core Strategy policies are most relevant:

GE20 (Flood Defence)  
CS67 (Flood Risk Management)

The quoted policies seek to reduce the extent and impact of flooding and are consistent with national policy in the NPPF.

The NPPF and the supporting Technical Guidance maintain previous policy requirements for the sequential testing of sites at risk of flooding. The objective is to steer development to sites at lower risk of flooding. Sequential testing is not applied to conversions of existing buildings but should be applied in respect of the new build elements of the scheme.

In this instance, the applicant has provided a statement about Flood Risk. The submitted statement indicates that no actual sequential testing has been carried out nor does the statement refer to any mitigation measures that could be introduced to safeguard future users and occupants of the development. Nor has the applicant provided any details of a proposed sustainable drainage system (SUDS).

It is acknowledged that the current application proposal fails to meet the requirements of the Sequential Test as required by the National Planning Policy Framework because alternative housing sites across the City that lie outside of the medium or high risk Flood Zones would more than likely be available and offer the potential to be allocated or available on the open market.

Paragraph 159 of the NPPF states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), then the exception test may have to be applied.

Paragraph 160 of the NPPF states that for the exception test to be passed, it should be demonstrated that:-

- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Paragraph 161 of the NPPF states that both the elements of the exception test should be satisfied for development to be allocated or permitted.

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:-

- a) Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) The development is appropriately flood resistant and resilient;
- c) It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) Any residual risk can be safely managed; and

- e) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Notwithstanding the apparent failure of the Sequential Test, it is also acknowledged that there are some material benefits of a residential scheme at this location that do merit some consideration and, those benefits include:-

- The site is located in a sustainable location and suitable area for residential development (i.e. a housing policy area), with a number of public transport links with good connectivity and local facilities (shops and services) in close proximity;
- The provision of new housing at this site will make a positive, albeit small, contribution to the supply of new housing; and
- The development proposals will re-use a vacant unattractive brownfield site that has in the past been associated with anti-social behaviour.

Despite the potential benefits of the proposal, in the absence of any sequential testing and any details of potential mitigation measures against flood risk to reasonably demonstrate the scheme would be flood resistant and resilient or, that the residual risk can be safely managed, the applicant has failed to reasonably demonstrate that a residential scheme can be achieved at the site without risk or harm from flooding, and as such the proposal would be contrary to UDP Policy GE20 (Flood Defence), Core Strategy Policy CS67 (Flood Risk Management) and also contrary to Paragraphs 160, 161 and 163 of the NPPF.

#### Other Issues

##### Community Infrastructure Levy

In this instance the proposal falls within Housing Zone 3. Within this zone there is a CIL charge of £30 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

#### SUMMARY AND RECOMMENDATION

Full planning permission is being sought to re-develop the site of the former Starkholme Building for residential purposes (creating 6 new 1 bedroom flats/studios). The new accommodation would be in the form of two separate 2-storey blocks. The proposed development would be car-free as there is no scope for providing on-site car parking.

The site is located within a Housing Policy Area and is also located within a Zone 2 Flood Risk Area and is adjacent to an Area of Public Open Space.

The principle of housing at the site in land-use terms is considered acceptable and there are benefits of a small scale housing scheme being carried out at a time of a lack of 5 year housing supply, on a previously developed, semi derelict site in a sustainable location.

Officers consider however, that the development is cramped and overdeveloped and as a consequence will result in a poor layout and a poor living environment for both the future occupants of the development and existing neighbouring residents.

Although the site is located within a sustainable location, the proposal would lead to an increase in on-street car parking and vehicle movement which would more than likely occur on Leyburn Road. It is already acknowledged that Leyburn Road is operating to full capacity and there are already instances of traffic congestion and parking problems which this development would be further adding to, to the detriment of highway safety.

By not undertaking any sequential testing or showing any forms of mitigation or resilience to flooding, the applicant has also failed to reasonably demonstrate that a residential scheme can be carried out at the site without risk or harm from flooding.

Based on all of the key points highlighted in this report, officers consider that the proposal (as submitted) would represent a poorly designed scheme that would be an overdevelopment of the site and that would lead to significant amenity issues for future occupants and existing neighbours (in terms of massing close to boundaries, overlooking and loss of privacy).

The assessment of this development proposal needs to be considered in light of paragraph 11 of the NPPF, which identifies that when making decisions, a presumption in favour of sustainable development should be applied.

Paragraph 11 goes onto state that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, as is the case here as Sheffield does not benefit from a five year housing land supply, planning permission should be granted unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

For the reasons described above, it is considered that it has been demonstrated that there would be clear adverse visual, highway safety, residential amenity, and flood risk impacts that would occur as a consequence of this application being granted, and those impacts would outweigh the limited benefits of granting permission for the 6 residential flats on the site.

Furthermore, it is considered that the relevant development policies that are most important for determining this application can still be afforded substantial weight as they accord with the corresponding sections within the NPPF.

Therefore, based on all of the points highlighted above, the proposal would be contrary to UDP Policies H5, H14, H15, BE5 and GE20 and, contrary to Core Strategy Policies CS74, CS67 and also contrary to the NPPF.

For the reasons given in the report and having regard to all other matters raised, it is considered that the development is unacceptable and should be refused.

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Case Number	19/03052/FUL (Formerly PP-08083016)
Application Type	Full Planning Application
Proposal	Restoration, refurbishment, internal alterations and change of use of building to form 12 serviced apartments (Sui Generis), 12 'Pod' hotel rooms (Use Class C1), communal roof terraces, use of basement/lower ground floor levels as a 'Souk' comprising of A1/A3/A4/D2 uses and associated ancillary reception, offices, storerooms, laundry and cycle/refuse stores
Location	The Court House Castle Street Sheffield S3 8LT
Date Received	16/08/2019
Team	City Centre and East
Applicant/Agent	Urbana Town 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:

02-0319-SK1.13A - Basement Level 2 - Proposed  
02-0319-SK1-14 - Basement Level 1 - Proposed  
02-0319-SK1.15A - Level 1 - Proposed  
02-0319-SK1.16B - Levels 2-3 - Proposed  
02-0319-SK1.17 - Level 4 - Proposed  
02-0319-SK1.18C - Levels 5-6 - Proposed  
02-0319-SK1.19 - Level 7 - Proposed  
02-0319-SK1.20 - Level 8 - Proposed

02-0319-SK1.21A - East Elevation - Proposed  
02-0319-SK1.22A - South Elevation - Proposed  
02-0319-SK1.23A - West Elevation - Proposed  
02-0319-SK1.24 - North Elevation - Proposed

02-0319-SK1.25 - Basement Level 2 - Demolition Plans  
02-0319-SK1.26 - Basement Level 1 - Demolition Plans  
02-0319-SK1.27 - Level 1 - Demolition Plans  
02-0319-SK1.28A - Levels 2-3 - Demolition Plans  
02-0319-SK1.29 - Level 4 - Demolition Plans  
02-0319-SK1.30B - Levels 5-6 - Demolition Plans  
02-0319-SK1.31 - Level 7 - Demolition Plans  
02-0319-SK1.32 - Level 8 - Demolition Plans

02-0319-SK1.33 - Court 1 - Mezzanine Section  
02-0319-SK1.34A - Souk and Basement 2 Entrance Sectional Elevations  
02-0319-SK1.35A - Cart Entrance Sectional Elevations

02-0319-SK1.36 - Service Plans and DDA Adaptions  
02-0319-SK1.37 - Reception Screening Details  
02-0319-SK1.38B - Cell Pod Details

02-0319-SK1.39C - Law Court 3 Elevations - Existing  
02-0319-SK1.40D- Law Court 3 Elevations - Proposed  
02-0319-SK1.41D - Law Court 2 Elevations - Existing  
02-0319-SK1.42C - Law Court 2 Elevations - Proposed  
02-0319-SK1.43B - Judges Offices Elevations - Existing  
02-0319-SK1.44B - Judges Offices Elevations - Proposed

02-0319-SK1.45B - Law Court 1 Roof Terrace and Mezzaning Details - Existing and Proposed  
02-0319-SK1.46D - Law Court 1 Elevations - Existing and Proposed

Judges Offices - Photographic Illustration of Proposed Internal Works (dated 05/11/2019)

Law Court 1 - Photographic Illustration of Proposed Internal Works - Rev A (dated 25/11/2019)

Law Court 2 - Photographic Illustration of Proposed Internal Works (dated 05/11/2019)

Law Court 3 - Sheet 1 - Photographic Illustration of Proposed Internal Works - Rev A (dated 25/11/2019)

Law Court 3 - Sheet 2 - Photographic Illustration of Proposed Internal Works - Rev A (dated 25/11/2019)

Heritage Statement by ARS Ltd (Report 2019/153) dated November 2019 plus Addendum to Heritage Statement dated November 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 details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

4. No development shall commence until confirmation has been submitted to and approved by the Local Planning Authority that the measures detailed in the Ecological Impact Assessment produced by LM Ecology (dated August 2019) published on 16 August 2019 that need to be carried out before work starts on site have been carried out.

Reason: To ensure adequate mitigation for the presence of protected species

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

5. 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.

6. Masonry shall be pointed or bedded using a lime mortar mix that is weaker than the surrounding masonry. The colour of the new mortar should match the original mortar before weathering. No proprietary coloured mixes of pigments shall be used. A sample panel of the proposed pointing shall be approved in writing by the Local Planning Authority before that part of the works commences.

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

7. Details of the extent and specification of brick/stone repair and cleaning shall be submitted to and approved in writing by the Local Planning Authority prior to that part of the works commencing and the works 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.

8. Large scale details, including materials and finishes, at a minimum of 1:10 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;
- Internal and external doors;
- Roof slates;
- Leadwork;
- Valley/rainwater goods and downpipes.

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

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

9. Before the first occupation of the site a full servicing strategy for deliveries and collections to the different elements of the building shall have been submitted to and approved by the Local Planning Authority. All future servicing shall then be carried out in accordance with the approved strategy.

Reason: In the interests of highways safety.

10. The serviced apartments 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 these units will not be eligible for resident parking permits within the Controlled Parking Zone. The future occupation of these 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.

11. 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

12. 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.

13. With the exception of the A1 retail use(s), before any of the commercial uses hereby permitted commences, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b) Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:

- (i) as a 15 minute LAeq, and;

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

- c) Be capable of restricting noise breakout and transmission from the commercial use(s) and any associated plant or equipment, to all adjoining residential/serviced apartment 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) 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 occupiers of adjoining sensitive uses.

14. The serviced apartments 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: Noise Rating Curve NR25 (2300 to 0700 hours);

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

Other Habitable Rooms: Noise Rating Curve NR35 (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.

[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 occupants of the proposed apartments

15. The hotel bedroom 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 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 in hotel bedrooms:  
Noise Rating Curve NR30 (2300 to 0700 hours);  
Noise Rating Curve NR35 (0700 to 2300 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.

[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 occupiers of the hotel rooms

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

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

b) Demonstrate that the specified noise levels have been achieved.

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

installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

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

17. Before the occupation of the development a fully detailed refuse and recycling storage and servicing strategy shall have been submitted to and approved by the Local Planning Authority. The approved strategy shall thereafter be implemented on occupation of the development.

Reason: In the interests of the amenities of the locality

18. Within six months of development commencing full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

19. Existing windows (subject to a condition survey and proposed repair scheme) shall be retained and repaired. Any new windows, casing and bars shall be of timber construction and shall be double hung vertically sliding sashes [using cord and weights and not spiral balances]. The glazing pattern, the thickness and profile of the glazing bars, meeting rails, surrounds and reveal depth shall match those of the existing windows in the property and the windows shall be finished in gloss paint.

Reason: In order to ensure an appropriate quality of development

20. 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 submitted to and approved in writing by the Local Planning Authority before installation.

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

21. Within 6 months of the commencement of development full details of proposals to provide an interpretative display about the history and significance of the building in, on or adjacent to a public area of the building shall have been submitted to and approved by the Local Planning Authority. The approved display shall be installed before the building is brought back

into use or to an alternative timeframe to be first agreed with the Local Planning Authority.

Reason: In order for the wider public to be able to understand the importance of the history of the building to the city.

### **Other Compliance Conditions**

22. 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.

23. No bins shall be stored on the surrounding highways, with the exception of bin collection day.

Reason: In the interests of the amenities of the locality and to ensure no obstruction to the highway.

24. All the rainwater gutters, downpipes and external plumbing shall be of cast iron or cast aluminium construction and painted black.

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

25. No customer associated with the Souk (comprising of A1/A3/A4/D2 uses) shall be permitted to be on the premises outside the following times: 0700 to 0030 hours (the following day) on any day.

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

26. The floorspace associated with the 'Souk' comprising of A1/A3/A4/D2 uses shall be subject to the following:

a) No individual A1 Retail Unit shall have a sales area in excess of 280 square metres and retail uses in combination shall account for not less than 25% of this overall commercial floor area.

b) Not more than 50% of this overall commercial floorspace shall be dedicated to one of any A3 or A4 or D2 use(s).

Reason: In order to ensure an appropriate mix of commercial uses in the spirit of the wider proposal to create a 'Souk' and in the interests of protecting the vitality of the Primary Shopping Area and its approaches, in accordance with Policy CS18 of the Sheffield Development Framework Core Strategy.

27. Before the development is brought into use the four bat boxes, detailed as mitigation in the Ecological Impact Assessment produced by LM Ecology (dated August 2019) published on 16 August 2019, shall have been installed.

Reason: In order to ensure that the development delivers a biodiversity net gain.

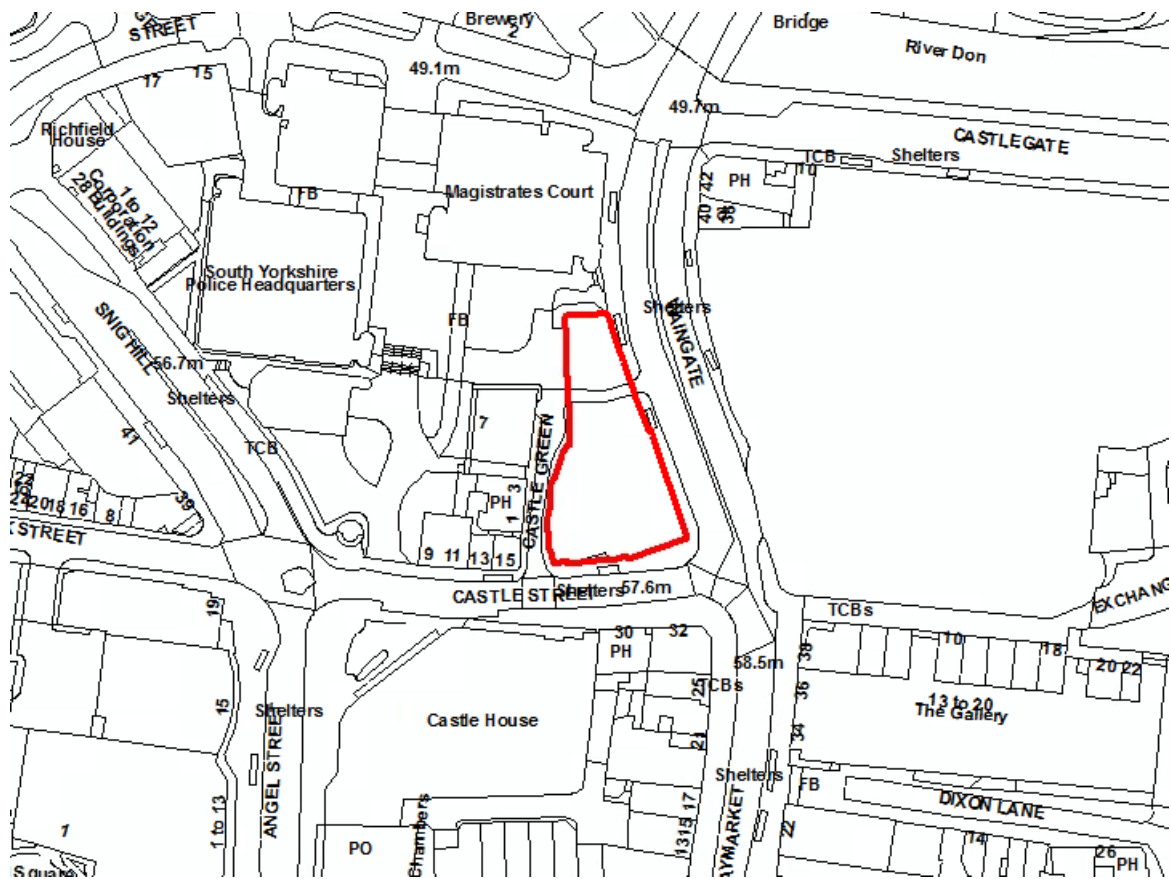
**Attention is Drawn to the Following Directives:**

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 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).
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. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at [epsadmin@sheffield.gov.uk](mailto:epsadmin@sheffield.gov.uk).
5. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
6. For larger commercial kitchens or cooking types where odour and noise risk is higher, reference should be made to the updated guidance document; 'Control of odour and noise from commercial kitchen exhaust systems' (EMAQ; 05/09/2018). Appendix 2 of the document provides guidance on

the information required to support a planning application for a commercial kitchen



# Site Location



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## LOCATION AND PROPOSAL

This is a joint report covering two concurrent applications – one for planning permission (19/03052/FUL) for new uses and one for listed building consent (19/03053/LBC) for the alterations to the building required to facilitate the new uses. There has been a substantial amount of new supporting information and increased detail in respect of the proposals submitted during the course of the application.

The applications relate to the building known interchangeably as the former 'The Court House' or 'The Old Town Hall', on Castle Street, Sheffield. The building occupies a corner position, and the building therefore addresses Waingate as its principle elevation, with secondary elevations facing onto Castle Street to the South and Castle Green to the West.

The area surrounding the building is undergoing a period of change, with the demolition of the former Castle Markets building, the archaeological exploration of the former Castle site and the reuse of a number of buildings, all aiming to revitalise the Castlegate Area.

The building is Grade II Listed (first listed in June 1973) and is of the classical revival style with ashlar stone and dressings, with some brick sections to the west and north elevations. The topography of the area means that the height of the building varies between two and three storeys, but with five storeys to the later 20<sup>th</sup> century addition. A clock tower also sits atop the building to the south west corner.

The building was originally constructed in 1808, in order to accommodate the Town Trustees and the Petty and Quarter Sessions. It was subject to alterations in the 1830s and 1860s, which reflected the city's growth and changing needs. The construction of the new (current) Town Hall in the 1890s and the conversion of the building into Sheffield's Crown Court resulted in further changes to both the external appearance and internal layout, which remain today, including the reorientation of the frontage of the building from Castle Street to Waingate. A further extension and alterations also occurred in the Mid 20<sup>th</sup> century to further accommodate its use as the Crown Court. In 1996 however, a new purpose built Court was constructed and the building has remained vacant since this time.

The abandonment of the building, since the use of the new Court commenced has resulted in the neglect of the building by subsequent building owners. It has suffered from both wet and dry rot, as well as some limited graffiti, together with unofficial use or exploration of the building, to the extent that its current condition is a cause for concern.

The development proposal seeks consent for the restoration, refurbishment and conversion of the building into a mixed use development. 'Pod' hotel rooms are proposed to some of the former cells, which are to the northern block across the gated internal cart track, along with ancillary storage functions. Ancillary and back office support accommodation will also be accommodated within Levels 2-3.

A 'Souk' style retail offer - comprising 11 formally identified units/stalls is also proposed for the remaining area of cells to the south of the cart track, along with commercial units to the lower basement areas. A flexible consent is sought for these commercial spaces, which would allow use for Class A1 (shops); A3 (restaurants and cafes); A4 (drinking establishments); and D2 (Assembly and Leisure).

The proposal also includes the creation of 12 serviced apartments; utilising the former law courts, judges offices and the later 20<sup>th</sup> Century block. The rooftops, where the roof form allows, will also allow for the creation of an external roof terrace on the existing roof structure to the southern element of the building between the site of the clock tower and the later 20<sup>th</sup> Century addition, accessed from the gallery of Court Room One and serving that serviced apartment.

There are limited external changes proposed to the premises, save for repair works and signage as well as the installation of new quoins to the northern elevation of the building.

## RELEVANT PLANNING HISTORY

There is no planning history which is relevant to the consideration of these specific applications, particularly given that the building has been vacant for such a long period of time.

## SUMMARY OF REPRESENTATIONS

There have been two rounds of consultation as part of this application and the scheme has also been presented to the Conservation Advisory Group.

The first round of consultation resulted in replies from the Castlegate Preservation Trust, The Victorian Society, Friends of the Old Town hall and one individual.

It should be noted that a significant amount of additional supporting information and revised proposals have been submitted since these replies were received (as described in the report).

## FIRST CONSULTATION

The initial responses received following the initial consultation can be summarised as follows:

### Historic England

This consultation was a courtesy consultation given the historical importance of the building (although it does not meet the formal consultation criteria).

Historic England do not object to the proposal, but ask that their representations are taken into account in determining the application.

They commented that the conversion of highly specialised buildings such as this proves particularly challenging, as changes to the internal layout and loss of fixtures and fixings required for its adaptation can have a strong impact upon its significance.

They strongly support the principle and aims behind the proposal but expressed concern about the impact that some elements may have on the significance of the building as a former Court House; in particular the internal changes to the layout and sequence of spaces (especially in the main levels, with the subdivision of the semi-circular lobby area and alterations to the corridor leading to Court Room 1), and the loss of fixtures and fittings in the three Court Rooms and Judges' Offices as a result of their conversion into residential use.

They acknowledged that some of the features may need to be lost as a result of the conversion, but there needs to be a strong justification for their loss. They queried whether the application contains enough information to assess the impact and whether the proposed uses in the significant spaces (court rooms, judges' offices) are the most appropriate.

They urged consideration of these points in liaison with the Council's own conservation advisors to ensure the proposed scheme is sympathetic to the character of the building and that the heritage benefits of the proposal are maximised.

This is to ensure that the building's significance as a former court house is retained and enhanced, in accordance with paragraphs 189, 192 and 193 of the National Planning Policy Framework (which ask local authorities to require an appropriate level of detail to understand the impact of the proposals on the significance of the buildings and to consider the public benefit of sustaining heritage as part of sustainable development.)

#### Conservation Advisory Group

The scheme was presented to a meeting of the group on 19<sup>th</sup> November. The formal minutes are awaited and have been requested. It is understood, from the Conservation Officer in attendance, that the Group generally support the proposals although they felt there was insufficient information to make a full assessment as the Heritage Statement was inadequate. More information was needed in respect of the proposals for the interior, including the reuse of the benches and retention of panelling in the main court rooms and they felt that the cell doors should be retained. Further information was needed to make a full and proper assessment.

#### Victorian Society

The Victorian Society objects to the proposals, whilst strongly supporting the principle of reusing the building.

They refer to the requirements of National Planning Policy Framework, paragraphs 189, 191 and 194 to understand the significance of any affected heritage asset; to ensure that there is clear and convincing justification for any harm to or loss of the

significance of a designated heritage asset; and where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

They consider that the current application falls far short of these requirements and suggest that the proposals should be refused.

They note that the building is an important piece of Sheffield's heritage that has been allowed to fall into disrepair through the neglect of its owners. It was part of the Victorian Society's first ever Top 10 Most Endangered Buildings list in 2007. The proposals must demonstrate an understanding of, and respect for, the building's significance if they are to be considered acceptable. The Society remains unconvinced that the current proposals demonstrate these qualities

They note that the building is one of several phases (as detailed in the Introduction to this report) and that the development of these phases reflects Sheffield's explosive growth as an industrial city and tells a story about the provision of justice in the later 19th century.

They note that the exterior of the building to the east now presents a clear sequence of elements, the architectural harmony of which is underpinned by the carefully matched stone and consistent details but undermined by the clearly cumulative rhythm of set pieces as the viewer travels north along Waingate. They consider that this cumulative character is key to the significance of the building, as it is a clear expression of the city's growth and changing needs.

Inside, the sequence of phases seems less clear but the plan form demonstrates the development and expansion of the court functions. The survival of fixtures and fittings from the various phases of the building's alterations makes an important contribution to its changing form and is a key aspect of its significance.

Aspects of the building which are not 'original' cannot simply be dismissed as less significant and hence suitable for demolition or alteration. As a starting point, the historic alterations should be considered in principle an important contributor to the Old Town Hall's significance, and the significance of the building is not such that 'original' fabric should automatically take precedent.

Any assessment of the impact of the proposals on the significance of the Old Town Hall has to be founded on a rigorous, detailed, and nuanced understanding of the various phases of alteration, their level of survival, and the precise contribution they make to the significance of the whole. Only by addressing such questions can a proper assessment be made of a space's sensitivity to change, and hence of the acceptability of the proposed alterations.

Critical to the assessment is to understand the importance and the condition of the surviving late-Victorian courtroom fittings. The building was a court house for the majority of its time. Those parts of its fabric, fixtures and fittings which relate to that use form a major part of its historic interest and its special character. The late-Victorian fixtures and fittings of the courtrooms survive with a high degree of

intactness, but the submission provides no detailed assessment of what exactly survives, how important it is or what condition it is in.

The submitted rot report makes alarming reading but it does not provide the level of detail necessary to understand the impact of rot on the courtroom fittings, or the implications this impact has for the possibility of repair and retention.

In conclusion, the application entirely fails to demonstrate an adequate understanding of the significance of the building, and therefore offers no basis on which to make a judgment about the impact of the proposals. The Heritage Statement falls well short of the thorough and detailed assessment needed.

For instance the current 'entrance lobby' which is a large open space with a grand apsidal end, and a roof supported on rows of columns is proposed to be divided with partition walls between some of these columns, partially subdividing the space and cutting it off entirely from the apse. These subdivisions will severely alter the character of the space but it is impossible to judge the harm that will be done to the significance of the building because the contribution made by the 'entrance lobby' has not been articulated.

There are three surviving historical courtrooms but there is no detailed information about their surviving fixtures or fittings. In the absence of any further information it remains impossible to assess what the impact will be on the remaining fixtures and fittings, and hence on the significance of the building. A lack of a detailed assessment throughout the application, of either the significance of the building or the impact of the proposals, is unacceptable.

Friends of the Old Town Hall (FOTH)

The FOTH object to the proposals, although they remain as concerned as anyone else to see the building restored and re-used. They state that the need for restoration should not outweigh the need for sympathetic and appropriate restoration. They do not believe these applications achieve an appropriate balance.

They welcome some features of the proposals (such as the proposal to clean the exterior and to leave it largely unchanged; and to restore the marble columns of the Judges' Entrance and the wrought iron gates to the vehicle entrance) as well as the readiness of the developer to regenerate the building and restore an important heritage asset for reuse.

There is no objection to the proposal to convert the 1955 wing to apartments, as it does not contain historic features demanding preservation. The proposal for the former cells is imaginative and there is no objection in principle to the proposed mix of uses for the building.

Nevertheless, they point out that some aspects of the submission are seriously deficient. There are no images of any of the planned interiors and the Design and Access Statement is notably thin.

The Heritage Statement is misleading as it dismisses some proposed alterations to later fabric as trivial and acceptable because it is 'not original'. This misrepresents the development and significance of the building as a whole. The successive extensions reflect changes in levels of demand for the services based in the building and are an integral part of its historic and architectural evolution and hence the basis for understanding its significance.

They object to the proposed wall to be erected on Levels 2-3, in the former Waiting Hall, between the proposed reception area and the ornate entrance to Courtroom 1. No rationale is presented for the insertion of this wall and the floorplan suggest it has no practical purpose.

They strongly object to the proposals that affect the three main courtrooms as each of these is currently complete in terms of furnishings and fittings. The proposals remove virtually all of these and the overall impact is that the legibility of the building as a Courthouse will go completely. This is unacceptable and unnecessary. While it may be reasonable not to retain some of the courtroom fabric there is no good case for removing it entirely. The proposals for the courtrooms are not consistent with the Council's own guidance.

The applicant has no plans for what to do with the fittings and furnishings proposed for removal. All the courtroom furnishings and fittings are listed and no approval should be contemplated until the issue of their future has been resolved.

In conclusion, while FOTH recognise the inevitability of some changes to interior features to secure re-use of the building, they believe the balance proposed between conservation and alteration is currently unacceptable.

The Council should seek more information on the detail of the proposals for each of the significant spaces within the building to be able to assess the true impact of the proposals on this heritage asset. It should then ensure that the evidential value of the building as a courthouse is not totally destroyed.

#### Castlegate Preservation Trust

The Trust is anxious to see the Old Town Hall restored and back in use and they have no issue with some aspects of the proposals, notably the conversion of the 1955 wing into apartments. They understand the issues involved in determining a financially sustainable new use for a historic specialist building so it is with some regret that they object to the applications.

Their response derives in part from the poor quality of the application itself. In particular, it fails to demonstrate respect for the significance of the building and is so deficient in its understanding of the building as to provide no reasonable basis for assessing the potential harm of the proposals. The application therefore leaves the planning authority with no adequate basis for assessing its acceptability.

It is difficult to discern the detail of what is proposed as there are no projected images of what would emerge from the proposed changes.

It is clear that much of the historic fabric of the interior will be lost; notably the furnishings and fittings of all 4 courts that retain them. In the case of the largest

courts (1, 2 and 3) this is unacceptable. The effect of the removal will be to destroy altogether the legibility of the building as a courthouse.

Apart from the unacceptable loss of courtroom furnishings and fittings, the application makes no reference to the future of the panelling in Courts 1, 2 and 3. This is an integral part of the historic fabric and of the legibility of these spaces as courts. There is no indication of how far the original joinery (doorcases, panelling, dados, fireplaces) of the important rooms is to be retained. This joinery is for the most part of high quality.

They do not accept the judgement in the Heritage Statement that the proposals will have “minor to moderate or negligible impact on those parts of the building which are of historic architectural significance” as is not consistent with the admitted loss of evidential value and legibility of the interior and is not consistent with the City Council’s own planning guidance.

They urge the City Council to work with the applicant to find a better solution, and especially one that retains at least Court 1 as, legibly, a court.

Individual Representation

Welcome the reuse of the building rather than letting it rot but consider that one of the court rooms should be kept and restored in all its natural glory as it is important to hold onto a little of the city’s cultural heritage and history. Lots of Sheffield’s history can now only be remembered through books, stories and plaques. Here there is something tangible and physical that can be enjoyed and learnt from. The retention and opening up of just one of these rooms for the public to admire, take pride in and learn from should be considered.

## SECOND CONSULTATION

The following responses have been received as a result of the second round of consultation which was undertaken on receipt of a significant amount of additional information.

Since this second round of consultation there have been further addendums to the information to add further clarification and detail to the proposals and your officers’ consider that this further supplementary information addresses issues raised in these representations.

The Victorian Society

The Victorian Society maintains their objection to the proposals, whilst strongly supporting the reuse of this building in principle. They accept that the amendments have added some much-needed detail to the proposals but feel that they do not address the thrust of their comments.

The amendments, principally the appendix to the Heritage Statement, make good the lack of detail in respect of fixtures and fittings and there is now a reasonably detailed photographic survey of the interiors of the buildings, and a set of plans and sectional elevations which show the proposed alterations to each room. In



particular, there are some detailed photographs which catalogue the fixtures and fittings of the former courtrooms and explain what is to be lost and what retained.

The amendments do not address their concerns about the lack of understanding of the building's significance and this remains inadequate in their view. They believe that a detailed account is needed to understand the contribution of the surviving features to the significance of the building as a whole. The statement of significance remains very short and extremely general such that it is impossible to rigorously assess the harm that the proposals will cause and they urge the Council to seek further information.

#### Friends of the Old Town Hall (FOTH)

FOTH continues to object to the applications. They do not believe the revisions achieve an appropriate balance and still consider the documentation supporting the application to be inadequate. In particular the Design and Access Statement has not been amended and contradicts the Heritage Statement which has been amended to raise the level of significance now ascribed to the building. In particular there are still no images of the results of the proposed works, so it is difficult to grasp the impact of the changes proposed.

They welcome the greater clarity provided on the fittings and fixtures and agree that this mitigates to some extent the loss of historic fabric proposed earlier.

They are concerned that no plan currently exists for the re-use or storage of the fixtures and fittings. This issue should be resolved before any works on site commence and should be the subject of appropriate conditions.

Their prime concern is still about the treatment of Courts 1, 2 and 3, whilst welcoming the proposed retention of more of the panelling etc. than was previously planned but they are concerned that the overall assessment of significance is still fundamentally lacking and not in line with the guidance in the NPPF. They consider that the changes to the three courtrooms destroy the legibility of all three of these spaces in terms of their original function.

In the remainder of the building, there will be nothing left to indicate the building's previous identity as a courthouse. In their view this amounts to substantial harm and fails to meet the Council's own guidance, in that the overall effect, they say, will be to destroy any sense of the original prime function of the building. They consider that there are other viable alternative uses and they consider that the LPA should insist on the preservation of the legibility of at least part of the interior of the old Town Hall as a courthouse by preserving some of the courtrooms in something close to their original form.

No justification is provided for the insertion of (revised) 2 metre high glazed screens in the former Waiting Hall. They are not necessary and should not be approved as they will alter the understanding of the original size of this space and the understanding of its original purpose of, ultimately, providing a suitably grand approach to the main Court 1.

They also ask for a proper scheme of building recording to be undertaken before work commences (to be secured by condition) and for the provision of appropriate information boards to describe the history and evolution of the building.

Whilst they recognise the inevitability of some changes to secure re-use, they consider that the balance proposed between conservation and alteration is unacceptable and ask that the LPA exercise their duty to ensure that the evidential value of the building as a courthouse is not totally destroyed.

#### Castlegate Preservation Trust

They continue to have serious concerns with the proposals, especially in relation to the inadequacy of the documentation and the failure of the applicant to present sufficient justification for the various judgements made as to the significance of the building.

Whilst recognising that the revisions have made slight progress in the direction of justification, and have uprated the judgement of significance, they do not see this as sufficient to provide a reasonable basis for assessing the application.

In particular they remain concerned about the damage that would be inflicted on the legibility of the building as a courthouse. Whilst the proposals to retain more of the relevant fittings is welcomed they do not go far enough to ensure that the original function of the building is clear.

The application therefore fails to conform with the NPPF and the Council's own planning guidance, given that the special interest in this case lies in the main courtrooms, which will be destroyed.

They maintain their objection to the applications and ask officers to work with the applicant to find ways of facilitating the restoration of this important building whilst reconciling the accepted need to make changes that will allow its sustainable re-use with retention of sufficient of the important parts of the interior.

## PLANNING ASSESSMENT

### Policy Background

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

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

The documents comprising the Council's development plan date back some time and obviously pre-date the NPPF, but paragraph 213 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF, and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF. The NPPF provides that the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

Guidance in the National Planning Practice Guidance (the NPPG) further provides that "policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years", and that "due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the policies".

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

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is referred to as the "tilted balance" and this assessment will have due regard to this overarching principle.

### Land Use Policy

The site is located within a Business Area as defined in the Unitary Development Plan. Policy IB7 (Development in Business Areas) states that, whilst B1 Business Uses are preferred there are a range of other uses which are acceptable, including small shops (A1) (defined as 280m<sup>2</sup>); food and drink uses (A3/A4); leisure and recreation uses (D2); hotels (C1) and housing on upper floors (C3). Serviced apartments are not listed but they have similar characteristics to C1 and C3 uses. The building has been vacant for many years such that its use for other purposes will not prejudice the dominance of business in the area and, in any event, all of the uses are listed as acceptable.

Policy CS18 of the Core Strategy (Shopping in the City Centre) accepts that on streets (such as Castlegate) leading to the Primary Shopping Area, small shops,

food and drink outlets and other services that would promote the vitality of the area will be acceptable on ground floor frontages.

Subject to the floorspace in the Souk being restricted to small retail units, rather than being combined to form one large unit, the proposals are in accordance with the aims of this policy. This is secured by condition on the planning application.

Whilst Policy CS4 (Offices in the City Centre) of the Core Strategy advocates Castlegate as an area for new office development, this site consists of a long-vacant listed building which is not suited to new office development. The proposals are therefore acceptable from a land use perspective.

The site falls within the Castlegate Policy and Development Framework which was produced in 2005 but it is not specifically listed as a project to be delivered. The document shows the building as an 'opportunity use' which essentially means that a range of uses would be appropriate.

#### Heritage Policy

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

Paragraph 189 advises that, in determining applications, local planning authorities should require an applicant to describe the significance of an affected asset, including any contribution made by their setting, at a level proportionate to the assets' importance, while paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification.

Paragraph 190 requires local planning authorities to identify and assess the significance of a heritage asset that may be affected by a proposal and to minimise the conflict between the conservation of the asset and impact of the proposals. Paragraph 192 requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 193 states that great weight should be given to the heritage asset's conservation (and 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. Paragraph 194 states that any harm to the significance of a designated heritage asset needs clear and convincing justification. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Finally Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated

heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In addition, Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, 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'.

UDP Policy BE19 (Development Affecting Listed Buildings) is consistent with the NPPF and requires that proposals for development which affect a Listed Building will be expected to preserve the character and appearance of the building and its original details and features of interest.

The National Planning Practice Guidance (NPPG) gives further guidance on decision making in respect of heritage assets. In particular it reminds us that 'significance' is "the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting".

The NPPG goes on to state that local planning authorities can assess significance using appropriately qualified staff and experienced in-house experts, complemented by consultation with appropriate heritage bodies. The analysis of these proposals has been carried out in close collaboration with the Council's in-house heritage experts.

The NPPG also recognises that it is important that any use is viable, not just for the owner, but also for the future conservation of the asset.

#### Impact of the Proposals on the Heritage Asset

The building is Listed Grade II and the listing description references both its exterior and interior features. This proposal is primarily concerned with internal alterations and the listing makes particular reference to the following features of significance:

- The semi-circular lobby with Doric columns
- Court 1 with glazed king post roof and fittings including magistrates' bench with traceried front panel and canopy with iron posts and crest. Panelled public gallery with pedimented doorcase and square wooden posts, dock with brass guard rail, and panelled benches.
- Court 2 with panelled walls, cornice and cross beam ceiling with skylight, and similar but plainer fittings.
- Court 3 is smaller and plainer.
- Main first floor rooms have marble and oak fireplaces and pedimented doorcases.
- Basement has judges' entrance hall with cross beam on Ionic marble columns
- Segmental arched corridor with 14 segmental arched cells.

The following assessment will have due regard to the impact of these proposals on these features.

The proposed conversion and alteration of the Court House will necessitate a substantial number of alterations to the building in order to create a new use, and a secure future, for the building. Whilst the number of alterations are considered to be substantial, it is not considered that they are (as amended) to the significant detriment of the building, its character and its value as a heritage asset; and ultimately the impact of the proposed development will help to secure the conservation of this valuable but long-vacant heritage asset (which is in a state of significant disrepair), in accordance with the NPPF and Policy BE19 of the Unitary Development Plan.

The impact of the proposed changes, in justification of the above assertion, is set out below. The sheer number of changes means that it is not reasonable or feasible to outline every single change in detail in this report but it will summarise the main changes to the key elements of significance of this historic building, and consider the acceptability of the overall proposal in the context of the long term conservation of the heritage asset.

Following concerns raised by officers (also highlighted in the representations received from interested parties) an updated Heritage Statement has been submitted by the applicant, as well as a further addendum, during the course of the application (by ARS Ltd (Report 2019/153) both dated November 2019). This outlines and considers the significance of the building and its features and seeks to make some justification for the changes proposed and the associated impact of these changes on the heritage asset. This revised document is considered to fulfil the requirement of Paragraph 189 of the NPPF, particularly when combined with the expert knowledge of the authority's own Conservation Officers.

#### External Elevations

There are limited alterations to the external appearance of the building. The stone is to be cleaned, and a scheme of works for this has been submitted. Similarly, a conditions survey has been submitted for the windows and a scheme of repair and replacement is proposed. In both cases it is considered that the imposition of suitably worded conditions is sufficient to secure the undertaking of these improvement works in such a manner that would not harm the heritage asset. Indicative details of signage are also provided and whilst separate advertisement and listed building consent will be required for these, with more details provided, the broad principle of the proposals is considered to be acceptable.

#### Cells

The cells are considered to form a substantial part of the character of the building, with the dividing walls, glazed bricks and steel doors being a fundamental part of this character.

The cells are located in two areas of the lower floor of the building, and indeed are

separated by the cart entrance way which, in turn, leads to a division of uses in the proposed new use. The cells to the north, and which are accessed via steps, are proposed to be hotel pods, whilst the cells to the south will form part of the Souk area and commercial units.

The changes to the northern cells will result in two cells forming one 'pod'. An opening will be created between each pair of cells, which will then create a single useable hotel pod unit whilst still maintaining the integrity and character of the cells because the majority of the internal dividing wall will be retained, with only a new door-sized opening punched through. The cell doors will be retained, with one being sealed shut to form part of the wall. This is considered to be an appropriate response and will help retain the historic character of the cells whilst providing the potential for a new use of an area of the building which would otherwise be difficult to re-use.

To the southern set of cells, a number of walls will be removed and openings created in order to create the commercial units and stall areas. The overall integrity and character of the cell area is however, considered to be maintained. It is also recognised that keeping all the cells (and doors) in their original format entirely, and noting that they are below ground level, means that there are limited viable options for their future reuse. The current proposal is therefore considered to strike a reasonable balance between conservation, recognising their significance to the historical evolution of the building, and the wider public benefits of securing a viable new use, particularly bearing in mind the long-vacant state of the building. The imposition of conditions securing a full scheme of works to ensure appropriate finer detailing will further ensure that the significance of the heritage value of the cells will be retained.

Main Entrance Hall (to be used as reception space)

The main entrance hall will retain its former points of access, with level access being provided from Castle Street and stepped access from Waingate.

The pillared reception hall will be subdivided to a degree, to form a semi-enclosed seating area, and a semi-private area to the front of the stepped access to Law Court One. The screens used to subdivide this area will be clear glazed, and the revised heritage statement addendum states that they will be no more than 2 metres in height in order to ensure that interior views of the reception area and in particular it's roof structure (which was one of the concerns of the Victorian Society) are maintained.

The now height limited, and clear glazed subdivision of the space is considered to be an acceptable intervention. Your officers' accept that it would have been desirable for this space to be retained in its entirety, as this would have allowed a full appreciation of the space and the space on approach to Law Court One. However, the use of clear glazing at 2 metres high (with a final detail to be approved by condition) is considered to be the next best alternative and a suitable compromise such that it is not considered that there is a significant harm to the heritage asset arising from this element of the proposals. This is reinforced by the fact that this change would be completely reversible in the future should the use of

this space alter.

## Law Court One

Law Court One, with its glazed atrium roof, stepped and pillared entranceway leading to a corridor entrance, wood panelling and benches is undoubtedly the grandest room in the building and of highly significant character and value as a heritage asset. The internal features within the courtroom such as the benches, viewing areas and Judges Bench, also provide the greatest challenge in converting the space to another viable use, without losing this significant character. The proposal is to convert this space into a single large serviced 2 bedroom apartment.

The development proposes to retain the entrance area and corridor, which creates the sense of approach and importance of the law court, which is essential. Within the law court the most immediate and visible loss will be the removal of the central benches. Your officers' do not underestimate the character that they add to the room, and indeed the overall building, but it is also recognised that to require the retention of these benches in situ would be to significantly, if not completely, remove the potential for securing the reuse of this space (and potentially the building) for a use which could help secure its viable future.

The benches to the central area, together with those to the rear, will be removed as part of the conversion works but 4 of the benches are shown to be reused within this space. This is to be welcomed and, as detailed later, the applicant has committed to a strategy for their wider reuse and, subject to this, it is considered that the principle of their loss is acceptable in pursuit of the wider objective of the conversion and restoration of the building.

The panelling around the court room will be predominantly retained or reused within the room, although there will be some loss in order to facilitate the practical conversion of the court. There will be some amendments to the panelling, for example via the creation of a bar area and its reuse for installing the utility and kitchen area through utilising 'secret' doors which will be made from the panels with no handles. Given that on the elevation drawings submitted, some proportions of the panelling appear to change, a condition is recommended which requires full details of the reconfiguration of the panelling, to ensure the exact proportions are either retained or replicated. Timber panelling, which is a later addition, and located within the lobby area to court room one will be removed to open up this area. Your conservation officers are satisfied that this will not diminish the significance of the heritage asset as the most important historic areas of panelling within the Court Room itself are to be retained which will enable the historic use of the room to be easily understood. The revised proposal put forward is considered to be reasonable, justifiable and sympathetic to the overall character of the court room, subject to the imposition of conditions on the listed building application to secure the finer details.

The majority of the Judges' Bench area will be retained and converted to become the kitchen area. This is considered to be acceptable in principle, in terms of the impact upon the heritage asset, subject to the submission of the finer details to be secured by condition.



The first floor galleries will also be retained and repaired, as appropriate, with a new stair installed to provide access to the mezzanine. This area will also provide access to the roof terrace to be formed on an existing area of flat roof. Conditions are recommended to secure the appropriate and sympathetic detailing of this.

The two new bathrooms are to be inserted in the rear area of the court in the area currently occupied by raised seating areas, enclosed by panelling. The panelling will be retained to form the lower half of the walls to the new bathrooms, with the upper half of the walls formed with new plain white panels. This is considered to be an appropriate response to these important features of the room.

Plasterwork, including dentil moulded cornices and pillars will be repaired as appropriate, along with both the plaster and timber pedimented door surrounds.

Whilst there will be some limited elements of the courtroom which will be lost, as a result of the proposals, it is considered that the plans submitted demonstrate that, with appropriate conditions, a sympathetic conversion can be achieved which retains and reuses sufficient elements of the historic fabric and character, such that the value of the heritage asset still remains.

#### Law Court Two

The changes to Law Court Two are similar to those within law court one, in that the proposal will result in the removal of the central benches, and some of the partition panelling. As with Court One, it is accepted that the principle of some of these changes are required in order to facilitate the appropriate reuse of the building, which in this case will be as a large serviced apartment. The latest proposals show 3 of the benches to be reused in this space. The strategy in respect of the remaining benches, as outlined for law court one, is applicable to law court two and again this approach is considered to be acceptable in principle.

The proposal will still however, allow for the retention of a large proportion of the panelling around the room with the Judges Bench being utilised, in part, for the kitchen space and panelling being utilised to create storage areas behind. The skylight above the main court room is proposed for retention and repair. Plasterwork will be retained and repaired and the balustrades to the first floor galleries will also be retained. The timber door surrounds which create decorative entrances into the courts will also be retained. It is considered that, on balance, the proposal will retain sufficient original features and character, whilst also facilitating the sympathetic conversion of the space into living accommodation, so as to justify the loss from the space of key elements, such as the benches. The semblance that this space functioned as a court room will be obvious in the conversion such that its significance can be understood.

Where the bedrooms are to be created, for the apartment known as 'Law Court Two' it is proposed that there will be some minor partial demolition of internal walls to allow the creation of access to bedrooms and bathrooms. This partial removal of walls will be the minimum required to facilitate the development and will not have a significant effect upon layout (such as the removal of one alcove adjacent to a

chimney breast but the retention of the chimney breast and remaining section of wall). This is considered to be a reasonable and balanced approach to the conversion. Where the total demolition of a wall or structure is proposed, these appear to be internal partitions only (some of which are later additions) to facilitate a toilet and sink for example and which are not key heritage features. Similarly, the addition of new stud walls to create bathrooms is also not considered to be deleterious to the historic layout of the building, particularly as such interventions are reversible.

### Law Court Three

Law Court Three will be split over three levels, with the main entrance being via the former Judges entrance to Waingate (identified as Level 1 on plan) and the main accommodation being to Level 2-3 and Level 5-6.

In respect of the changes to the law court, located on Level 5-6, the existing central benches will be removed, along with limited panelling. Two of the benches will be reused in the space and the majority of panelling will remain and be repaired or reused, particularly to create a new kitchen area, and boxing in and panelling will be added or amended as appropriate. The plans also indicate that removed panelling will be used to re-panel walls. All these elements are considered to be acceptable in principle, retaining the majority of elements to this valuable heritage asset, and assisting in the sympathetic conversion of the building, whilst still providing a good interpretation of the previous use of the space.

The strategy in respect of benches, as outlined for law court one, is applicable to law court three and again this approach is considered to be acceptable in principle.

In respect of the creation of bedrooms and bathrooms to Level 2-3, the proposed accommodation will result in the subdivision of essentially two larger rooms into 4 rooms and a corridor, together with the loss of one internal dividing wall. There are existing columns and beams within the rooms, and these will be retained and repaired and incorporated into the proposed partition walls. This is considered to be desirable and will help to retain a sense of the previous room format. It is not considered necessary to retain the rooms in their original format in this instance. The subdivision proposed will not compromise the windows or any external views in, nor will the loss of heritage value to the rooms result in substantial harm. It is concluded that the harm will be less than substantial and that the public benefits of bringing this long-vacant building back into active use outweigh that harm in favour of the proposal.

### Benches

The Heritage Statement addendum (received 27.11.2019) confirms that at least 50% of the 42 benches due for removal from Law Courts One, Two and Three are to be reinstated in the building. A total of 21 benches are currently shown to be relocated within the building (indicated by a red dot on the latest plans) whilst the remainder will be kept and maintained elsewhere (specific location to be agreed) for future re-use. The heritage statement addendum also refers to a strategy for this being secured by condition.

Your officers' recognise the significance of these benches to the court rooms but they also consider that the reuse of at least 50% of the benches from the three law courts, within the building, strikes a reasonable balance between the desire to reuse and incorporate the benches and the need to enable a viable end use to be delivered. The reuse of benches within the building will be a reminder of its previous use and will help retain the character of this heritage asset. The storage of the remaining percentage of benches for future reuse is also welcomed.

Whilst the above commitment is welcomed, in principle, it is considered imperative that the survey of benches to establish the existing total number of benches, assess their condition (in terms of rot and any other damage) along with a detailed formal strategy for their removal, reuse and storage is required by condition on the listed building application. This is because, if the re-use of the benches is not adequately secured, a significant element of the heritage asset is at risk of being lost, and the balance of harm versus the benefit of the development begins to change.

#### Judges Offices

The proposed serviced apartment identified on plan as occupying the 'Judges Offices' will occupy Levels 2-3 and 5-6. Bedrooms and bathrooms will be located on Level 2-3 and living and dining accommodation will be to Level 5-6. (there is no Level 4 in this part of the building – only in the later extension to the building).

The key changes to the layout of this accommodation to Level 2-3 will be the removal of an internal corridor and blocking up of a doorway to create a bathroom and storage space, the blocking up of a further two doorways and the removal of an internal partition to create a second bathroom. To Level 5-6 a doorway will be removed, along with an internal corridor, and existing internal access steps will be re-orientated. It is considered that these changes will result in less than substantial harm and they will not have a significant impact upon the historic value or significance of these rooms either individually or within the wider context of the building.

It is intended that existing features such as plasterwork, skirtings and door and window surrounds will be retained and repaired, and that where doors are to be removed, and the opening still visible that the surrounding decorative features will be retained and repaired. Subject to the imposition of appropriate conditions securing a scheme of works, it is not considered that this element of the proposal will be harmful to the heritage asset.

#### Town Trustees Rooms

The Town Trustees rooms will be used as storage and back of house office accommodation. To these rooms there will be limited changes with the main change being the removal of the stair access, a door and a small internal; partition to create larger floor plates. Whilst there is a clear historical significance to the rooms, within the context of the building, it is not considered that the changes proposed as part of this redevelopment will compromise nor harm this value -

subject to the imposition of suitable conditions regarding the scheme of internal works.

### 1950s Extension

Whilst the 1950s extension is the latest addition to the building, and does not display so many of the features found in the earlier elements of the building, it still has historical significance. Indeed, it represents the evolution and expansion of the building and its function, and is typical of its time. The proposals for the four serviced apartments (and ancillary bin, bike storage and laundry facilities on the lower floor) within this element of the building will see the removal of walls and reordering of the spaces, including the courtrooms (and their fittings) to allow the creation of the residential accommodation at a greater density than that of the older element of the building. Within the principles of conserving the heritage asset, as a whole, and the significance of this element of the proposal it is considered that these changes are acceptable in principle and result in less than substantial harm. It is considered that the imposition of reasonable and justified conditions in relation to the internal alterations and scheme of works is sufficient to secure an appropriate level of conservation of the asset relative to its value.

### Other Elements

There are also changes proposed to the remaining less significant elements of the building to facilitate the conversion of the property including the addition of a new spiral stair to basement level 2; stair access to the Souk; and new glazing panels to the basement amongst others. None of these other changes are considered to be harmful to the significance of the heritage asset or detrimental to the historical character and value of the building. Your officers' are satisfied that the imposition of appropriate conditions would be satisfactory to secure the protection and sensitive and sympathetic conversion of this heritage asset.

### Public Benefits

Paragraph 196 of the NPPF requires 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.

The development scheme proposed will result in a variety of uses which, if fulfilled, will help to provide a future for this significant Grade II Listed Building which has been vacant for a long period of time, suggesting that it has been difficult to find an optimum viable use (one of the criteria highlighted in Paragraph 196).

The building, as described earlier, is in a poor state of repair with significant water ingress and without intervention and a viable future use, it is likely that the building will fail further, possibly resulting in the overall loss of some features and/or structural stability problems, depending upon the extent of further deterioration. The works to the building, as proposed, will help towards securing its future and limit further deterioration if the necessary repair works are undertaken.

The development, as proposed, will result in the loss of some features, such as the benches (albeit with some re-use and re-distribution within the building) and layout of the court rooms, along with the layout and subdivision of other spaces within the building; but these are all considered to be reasonable, justified and necessary in order to help support a redevelopment scheme. Your officers' recognise that it would be clearly unrealistic to retain all elements of the building, and its features, in its original format, as this would significantly affect the range of potential future uses and deter developer or occupier interest in the building.

The proposed development scheme would result in access to a currently closed and unsafe building, which formerly played a major role in the administrative functions of the City. Whilst public access would only be available to the souk area, with access to the hotel pods and serviced apartments being only available to those with reservations, it is nevertheless considered to be a positive attribute of the development that the building will be opened up again.

Overall, it is considered that the proposal offers a number of public benefits, as identified above which, in the opinion of your officers', are sufficient to outweigh the less than substantial harm to the asset. It is therefore considered that the proposal is in accordance with the guidance contained in Paragraph 196 of the NPPF.

#### Heritage Summary

The development as proposed is considered to maintain an appropriate balance between securing a viable future reuse of the building against ensuring that this important heritage asset is restored and conserved in a manner appropriate to its significance (which is its role in the development and expansion of the City's administrative and legal functions). The proposal, as detailed above, and subject to the imposition of the listed conditions to secure some of the finer details, is considered to satisfy the aims of Policy BE19 of the UDP and meets the tests of Chapter 16 of the NPPF.

#### AMENITY ISSUES

Policy IB9 (Conditions on Development in Industry and Business Areas) of the UDP states that changes of use should not cause residents or visitors to suffer from unacceptable living conditions.

#### Future Occupiers

The proposed development scheme is accompanied by a Noise Impact Assessment Report. The impact upon both the serviced apartments and cell pods has been considered based upon both the uses proposed within the wider building, and the neighbouring uses.

Worst case noise levels have been established, including from the Hen and Chickens Public House on Castle Green, and noise transmission through the building from the Souk area, including the potential for noise from food and drink uses which may result in greater disturbance.

The findings of the report are such that the proposed uses are all considered to be acceptable in terms of both the future occupiers of the building and the occupiers of the buildings which neighbour the application site, subject to the imposition of conditions on the planning application which require a scheme of sound attenuation. Conditions are also recommended to ensure that any commercial kitchen within the Souk space is appropriately serviced by a fume extraction system that does not result in dis-amenity to existing and future occupiers of the building.

In order to ensure that amenity is protected, it is recommended that the operational hours of the Souk (commercial uses) are restricted to between 0700 hours and 0030 hours on any day. This is considered to be a reasonable restriction of hours given the location of the 'Souk', balanced against the city centre environment but also given the proximity of residential accommodation.

In terms of the residential accommodation, it is not considered that the proposal will suffer from or result in unacceptable loss of privacy or loss of light. External amenity space for the serviced apartments will be to the roof terrace, which is also considered to be acceptable in principle, given the city centre location. It is noted that serviced apartments, by definition, offer a more transient form of accommodation but it is considered that should, in the future, the apartments be changed to more permanently occupied residential apartments that the proposal will still remain acceptable in principle.

The standards of accommodation in the cells (forming the pod hotel), will be lesser, but it is noted that as hotel pods, this accommodation would be very short term, and is also a niche option and a personal choice for the consumer. It is not therefore considered that reduced levels of light or outlook are a matter of concern for this unique experience, particularly when balanced against the benefits of the conversion, and reuse of the whole of the building.

#### Bin storage

Bin storage, along with the laundry room, will be located to Level 2-3, in the former 1950s element of the building and will be accessed externally from Castle Street. In order to ensure that the layout of this space for both commercial and residential bins is maximised, and that there is no need for bins to be stored externally on the pavements, a condition is appended which requires that a waste management strategy is submitted and approved by the planning authority in advance of the use of the building commencing.

#### HIGHWAYS

Policy IB9 of the UDP requires new developments and changes of use to be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking where applicable. The National Planning Policy Framework (Paragraph 109) states that development should only be refused on highways grounds if there would be an unacceptable impact on highways safety or the residual cumulative impacts on the road network would be severe.

The site is located within the city centre and is well served by public transport. There are private car parks relatively near to the premises, and on street parking is restricted. The existing building offers no parking of its own, and there is no scope to provide any within the site or adjacent to it. The nature of the proposed uses and the site's city centre location means that it would be reasonable to assume that visitors will arrive on foot; by public transport; or would expect to pay to park locally. Whilst the building is relatively large, the scale of uses are not such that the impact upon the highway network is expected to be significant. In this regard the proposal is considered to be acceptable in principle.

The servicing of the premises would need to be undertaken from the existing road network, as there are no alternatives available. It is considered that this is typical in a city centre location, and whilst it is recommended that a condition be applied securing final details of servicing (in order to ensure that any impact upon the highways network is limited) the principle of this is considered to be acceptable and should not inhibit development. The same principle applies to the servicing of the site during the construction process, and it is therefore also recommended that details of the location of the site compound (should this be external), and servicing during the construction process are required by condition.

Cycle parking is shown as being located to level 2-3 within the former 1950s extension element. There is access via the main entrance to Castle Street. Whilst there are some internal stairs on the access route through, it is considered that this is not a significant impediment and it is recognised that there are limited suitable locations within the building which leads your officers to consider that, on balance, this location is acceptable. Final details of layout and cycle stands/security will be secured by condition.

The overall highways impact of the development is considered to be acceptable in principle, and supports the aims of the NPPF and policies of the UDP.

## ACCESSIBILITY

Policy BE5 (Building Design and Siting) of the UDP requires designs to meet the needs of all users and Policy BE& (Design of Buildings Used by the Public) expects provision to allow people with disabilities safe access to public buildings.

The Listed nature of the building means that the capacity for change is considered to be limited, or at least that the need to preserve the heritage asset outweighs the scale of change needed to make the building accessible in its entirety.

The applicant has submitted a plan which shows which areas of the building will be accessible. The applicant has labelled the plan with reference to the Disability Discrimination Act, and whilst the planning authority notes that this is no longer relevant, having been replaced by the Equalities Act, it is considered to be at least indicative of which areas will have level access.

A new, widened entrance is to be created to the Souk (Level 1) from the cart entrance, with a ramp internal to the Souk, which is desirable, and therefore the Souk, which is one of the main public elements, will be accessible.

To level 2-3, the access to Castle Street will provide the accessible entrance, as the main entrance to Waingate will be accessed via a flight of stairs. This will mean that the former Town Trustees Room and large reception hall will all be accessible. Lifts to the 1950s element of the building are accessed from the main reception hall, but between the lifts and the reception hall is a small flight of stairs. The plans submitted identify that a stair lift will be installed to these stairs. No further details of this have been provided and therefore a condition is recommended which requires details to be submitted and also to ensure that this would not conflict with the access to the cycle store which is also accessed from this point.

The plans submitted also indicate that of the apartments in the 1950s block, only 75% of apartments will be accessible. It is considered that this is a direct result of the constraints to the building and no further change can be required to resolve this.

For the avoidance of doubt, the hotel rooms, basement levels and court rooms will not be fully accessible due to the stepped access.

Whilst the accessibility of the premises is clearly limited, and does not fully comply with adopted policy for new developments, it is recognised that there are constraints associated with the Listed Building and its former uses, which means that the opportunities for amendments without substantially altering the form of the property are limited, and therefore on balance the proposals, in respect of accessibility, are acceptable in principle.

## OTHER MATTERS

### Drainage

Policy CS67 (Flood Risk Management) of the Core Strategy seeks a reduction in surface water run-off to reduce wider flooding impacts where this is feasible and practical. In this case the drainage will remain as per the existing arrangements and no amendments are proposed. Given that the building is Grade II Listed and retained with no external changes this is considered to be an appropriate response as it would be impractical and expensive to make any meaningful adjustments in this case.

### Sustainability

Policies CS64 (Climate Change and Sustainable Design) and CS65 (Renewable Energy and Carbon Reduction) seek to improve the sustainability credentials of new developments and changes of use. Given that this building has long been vacant, its reuse will clearly result in sustainability benefits as it will be brought into active use. However, given the listed nature of the building and the significant works that need to be undertaken to repair its fabric, it is not considered reasonable or proportionate to seek additional measures in this case as greater weight must be given to the long-term preservation of this key heritage asset.

### Ecology



Policy GE11 (Nature Conservation and Development) of the UDP seeks to protect and enhance the natural environment. The application was accompanied by an Ecological Impact Assessment Prepared by LM Ecology in August 2019. This primarily assessed the building for roosting bats and nesting birds and included new nocturnal surveys and a review of previous surveys. The survey work reveals very limited bat activity as well as the presence of pigeons but no other birds. The recommendation is that mitigation works are required and any works to the building will need to be carried out under licence. In compensation for the minor residual loss of bat roosting habitat and to ensure a biodiversity net gain a total of four bat boxes are proposed to be installed on the building. This is considered to be suitable mitigation in order to comply with the policy objective and is secured by condition.

## RESPONSE TO REPRESENTATIONS

It is considered that the bulk of the issues raised in the representations have been answered in the main body of the report. Many of the issues related to a lack of detailed information which has, to a large extent, been addressed by the submission of additional and updated information, including at a point in time after the second round of consultation was undertaken (this includes updated plans showing 21 benches to be reused in the building).

Whilst the Victorian Society, the Friends of the Old Town Hall and the Castlegate Preservation Trust maintain their objections, as they do not consider that the significance of the features of the building has been properly assessed in the submission, such that the level of harm cannot be adequately judged, Members are reminded that the NPPF requires the level of information to be provided by applicants to be proportionate and also requires the local planning authority itself to also identify and assess the significance of a heritage asset that may be affected by a proposal and to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

In this case it should be noted that additional supplementary information has been submitted since the second round of consultation took place and your specialist conservation officers have been fully engaged in assessing these proposals and have also been inside the building to review the features of significance. They are satisfied that they have enough information to understand the significance of the different elements of the heritage asset and also to determine the appropriateness of the proposals. They have concluded that the harm caused by the changes is less than substantial and that this harm is outweighed by the public benefits described earlier in this report.

## SUMMARY AND RECOMMENDATION

The proposed conversion, restoration and reuse of this Grade II listed building, a significant but deteriorating heritage asset within the city, is welcomed in principle.

The external appearance of the building will not change significantly, beyond the cleaning of the stone, roof repairs and the repair or replacement of windows where applicable following a detailed survey. This is considered to be an appropriate response to preserve the value and character of the exterior of the heritage asset.

Internally, the proposal will result in a number of changes to the building, as detailed in the above report, in order to facilitate its conversion, and make the space useable. Whilst some of these changes, such as the removal (and limited reuse) of the central benches within the law courts, will result in an obvious change to the appearance of the rooms, they are also considered to be necessary to secure a long-term viable use. The removal of the benches from their original locations as well as the limited removal of sections of wall, the insertion of partitions in places and the re-purposing of some of the panelling to form new features is considered to result in less than substantial harm to the heritage asset, particularly when considered against the proposals as a whole.

Members are reminded that the level of harm caused to a heritage asset is a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. The supplementary information in the National Planning Practice Guidance (NPPG) also tells us that “In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest”. It is your officers’ judgement that the harm caused is not substantial and that the proposals will allow the original function and features of the building to still be completely understood.

The supplementary NPPG also provides guidance on what constitutes public benefits and states that such benefits could be anything that delivers economic, social or environmental objectives and they should be of a nature or scale to be of benefit to the public at large, but they do not always have to be visible or accessible to the public in order to be genuine public benefits. The guidance cites examples of reducing or removing risks to a heritage asset and securing the optimum viable use of a heritage asset in support of its long term conservation as key public benefits.

Given the fact that this building has been vacant and neglected for more than 20 years, it is vital that a new use is secured for this important heritage asset before it deteriorates further. It is considered that these proposals strike the right balance, in line with the requirements set out in the NPPF and the Local Plan and that the public benefits of bringing this building back into active use, with the changes as described, far outweigh the less than substantial harm resulting from the proposals.

It is therefore recommended that both planning permission (19/03052/FUL) and listed building consent (19/03053/LBC) be granted subject to the listed conditions.

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Case Number	19/03053/LBC (Formerly PP-08083016)
Application Type	Listed Building Consent Application
Proposal	Restoration, refurbishment, internal alterations and change of use of building to form 12 serviced apartments (Sui Generis), 12 'Pod' hotel rooms (Use Class C1), communal roof terraces, use of basement/lower ground floor levels as a 'Souk' comprising of A1/A3/A4/D2 uses and associated ancillary reception, offices, storerooms, laundry and cycle/refuse stores
Location	The Court House Castle Street Sheffield S3 8LT
Date Received	16/08/2019
Team	City Centre and East
Applicant/Agent	Urbana Town 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 Planning (Listed Buildings and Conservation Areas) Regulations 1990.

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

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

02-0319-SK1.13A - Basement Level 2 - Proposed  
02-0319-SK1-14 - Basement Level 1 - Proposed  
02-0319-SK1.15A - Level 1 - Proposed  
02-0319-SK1.16B - Levels 2-3 - Proposed  
02-0319-SK1.17 - Level 4 - Proposed  
02-0319-SK1.18C - Levels 5-6 - Proposed  
02-0319-SK1.19 - Level 7 - Proposed  
02-0319-SK1.20 - Level 8 - Proposed

02-0319-SK1.21A - East Elevation - Proposed  
02-0319-SK1.22A - South Elevation - Proposed  
02-0319-SK1.23A - West Elevation - Proposed  
02-0319-SK1.24 - North Elevation - Proposed

02-0319-SK1.25 - Basement Level 2 - Demolition Plans  
02-0319-SK1.26 - Basement Level 1 - Demolition Plans  
02-0319-SK1.27 - Level 1 - Demolition Plans  
02-0319-SK1.28A - Levels 2-3 - Demolition Plans  
02-0319-SK1.29 - Level 4 - Demolition Plans  
02-0319-SK1.30B - Levels 5-6 - Demolition Plans  
02-0319-SK1.31 - Level 7 - Demolition Plans  
02-0319-SK1.32 - Level 8 - Demolition Plans

02-0319-SK1.33 - Court 1 - Mezzanine Section  
02-0319-SK1.34A - Souk and Basement 2 Entrance Sectional Elevations  
02-0319-SK1.35A - Cart Entrance Sectional Elevations

02-0319-SK1.36 - Service Plans and DDA Adaptions  
02-0319-SK1.37 - Reception Screening Details  
02-0319-SK1.38B - Cell Pod Details

02-0319-SK1.39C - Law Court 3 Elevations - Existing  
02-0319-SK1.40D - Law Court 3 Elevations - Proposed  
02-0319-SK1.41D - Law Court 2 Elevations - Existing  
02-0319-SK1.42C - Law Court 2 Elevations - Proposed  
02-0319-SK1.43B - Judges Offices Elevations - Existing  
02-0319-SK1.44B - Judges Offices Elevations - Proposed

02-0319-SK1.45B - Law Court 1 Roof Terrace and Mezzanine Details - Existing and Proposed  
02-0319-SK1.46D - Law Court 1 Elevations - Existing and Proposed

Judges Offices - Photographic Illustration of Proposed Internal Works (dated 05/11/2019)

Law Court 1 - Photographic Illustration of Proposed Internal Works - Rev A (dated 25/11/2019)

Law Court 2 - Photographic Illustration of Proposed Internal Works (dated 05/11/2019)

Law Court 3 - Sheet 1 - Photographic Illustration of Proposed Internal Works - Rev A (dated 25/11/2019)

Law Court 3 - Sheet 2 - Photographic Illustration of Proposed Internal Works - Rev A (dated 25/11/2019)

Heritage Statement by ARS Ltd (Report 2019/153) dated November 2019 plus Addendum to Heritage Statement dated November 2019.

Reason: In order to define the permission.

**Pre-Commencement Condition(s)**

3. No development shall commence until a survey of the existing timber benches in Court Rooms 1, 2 and 3, including an exact audit of the typology, age, location and condition, along with the final proposed plan of reuse within the building, which shall be in substantial accordance with the approved plans, has been submitted to and approved in writing by the Local Planning Authority. Any benches that are not being reused within the building shall be the subject of a strategy, which shall be approved in writing by the Local Planning Authority, to ensure that they are relocated to an appropriate location within Sheffield.

Reason: In the interests of preserving the character and historic artefacts of the listed building.

4. No development shall commence until a fully annotated photographic survey of the building has been deposited with the South Yorkshire Archaeology Service and evidence of such deposition has been submitted to and approved by the Local Planning Authority.

Reason: In order to ensure that the current condition of this important listed building is documented to assist with future interpretation

5. Before any works on the building(s) commence a full Schedule of Works, identifying all of the works inside and outside the building(s) including drawings and specifications, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved Schedule of Works.

Reason: In order to protect the character of the original building as, if works commence without this in place, there is potential for unacceptable harm to occur.

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

6. Before that part of the development is commenced, full details of the glazed partitions between the reception area and the entrance to Law Court 1 on Level 2/3 shall have been submitted to and approved by the Local Planning Authority. The partitions shall then only be installed in accordance with the approved details.

Reason: In the interests of preserving the character of the listed building

7. Large scale details, including materials and finishes, at a minimum of 1:10 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;
- Internal and external doors;
- Roof slates;

- Leadwork;
- Valley/rainwater goods and downpipes.

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

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

8. In relation to the Judges Room and Former Courts Rooms 1, 2 and 3, before any development commences in these areas final details of retention, repair, removal or relocation of fixtures and fittings, which shall be in substantial accordance with the approved plans, shall be approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved information.

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

9. Before installation, full details of any key pad entry systems (external or internal) including their design and location shall be submitted to and approved by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details.

Reason: In the interests of preserving the character of the listed building

10. Masonry shall be pointed or bedded using a lime mortar mix that is weaker than the surrounding masonry. The colour of the new mortar should match the original mortar before weathering. No proprietary coloured mixes of pigments shall be used. A sample panel of proposed pointing shall be approved in writing by the Local Planning Authority before that part of the works commences.

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

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

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

12. Before that part of the development is commenced full details at 1:10 scale (including sections) of any repairs to the lantern lights above the Court Rooms shall have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the character of the listed building.

13. Details of the extent and specification of brick/stone repair and cleaning shall be submitted to and approved in writing by the Local Planning Authority prior to that part of the works commencing and the works 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.

14. Before their installation, full details of the positions and fixings for the four bat boxes shall have been submitted to and approved by the Local Planning Authority and thereafter the bat boxes shall be installed in accordance with the approved details.

Reason: In the interests of ensuring an appropriate quality of fixing.

15. 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.

16. 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.

17. Details of how the internal fixtures and fittings are to repaired, replaced, altered, reproduced and protected during building works shall be approved in writing by the Local Planning Authority before that part of the development commences. The development shall then be carried out in accordance with the approved details.

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

18. Before that part of the development is commenced full details of the stair lift to Reception Hall Level 2-3, identified on the drawing entitled 'Service plans and DDA adaptations Level 1, 2 and 3' shall have been submitted to and approved by the Local Planning Authority. Thereafter the stair lift shall be implemented in accordance with the approved details before the use of the building commences.

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

19. Details of the new internal floor structure and its abutment with the existing building structure shall be approved in writing by the Local Planning Authority before that part of the development commences.

Reason: In order to ensure an appropriate quality of development

20. Details of all new joinery and timber structural elements and/or the repair, alteration or replacement of existing timber elements (including roof and floor timbers, partitions, stairs, balustrades, screens, wainscoting) 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 plans.

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

21. Unless a justification for removal has been agreed in writing by the Local Planning Authority all internal and external doors shall be retained. If new doors are considered as appropriate then details, specifications and finishes of all new doors, including frame section sizes, reveal depths and any moulding's and architraves at a minimum of 1:20 shall be approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the new doors shall be installed in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development

### **Other Compliance Conditions**

22. Existing windows (subject to a condition survey and proposed repair scheme) shall be retained and repaired. Any new windows, casing and bars shall be of timber construction and shall be double hung vertically sliding sashes [using cord and weights and not spiral balances]. The glazing pattern, the thickness and profile of the glazing bars, meeting rails, surrounds and reveal depth shall match those of the existing windows in the property and the windows shall be finished in gloss paint.

Reason: In order to ensure an appropriate quality of development

23. All the rainwater gutters, downpipes and external plumbing shall be of cast iron or cast aluminium construction and painted black.

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

24. There shall be no replacement, alteration or repair of any part of the original roof structure without the prior written approval of the Local Planning Authority of details of timbers to be removed, altered and repaired and details and specifications of all replacement timber members.

Reason: In order to ensure that inappropriate alterations are avoided.





## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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

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**Date:** 17 December 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  
17 DECEMBER 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 application to establish the lawful development of detached garage outbuilding (Application under Section 191) at Heather Bank Holdworth Lane Sheffield S6 6SN (Case No 18/04769/LU1)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of a 5/6/7 storey mixed use building comprising commercial units A1/A2/A3/B1 use at ground floor and 77 residential apartments with associated amenity space including cycle/bin store (Amended Description and Plans) at site of Old Coroners Court Business Centre 14 - 38 Nursery Street Sheffield S3 8GG (Case No 19/02258/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 removal of existing 14.7m monopole and erection of 20.0m Phase 7 monopole with associated equipment cabinets/works at land adjacent Berkeley Precinct 451 Ecclesall Road Sheffield S11 8PN (Case No 19/02956/FULTEL)

### 3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for demolition of existing dwellinghouse and erection of a new dwellinghouse at Heather Bank Holdworth Lane Sheffield S6 6SN (Case No 18/00107/FUL) has been dismissed.

Officer Comments:-

This relates to an application to demolish an existing chalet bungalow and erect a replacement two-storey dwellinghouse, which was submitted to the Council in January 2018. Following the Council's failure to determine the

application within 8 weeks, the appellant submitted an appeal to the Planning Inspectorate for non-determination (ref. APP/J4423/W/18/3208670). The Inspector allowed the appeal, subject to the imposition of 4 conditions including the removal of the property's Permitted Development Rights. He concluded that, as the proposal would result in a smaller increase in volume than the suggested maximum for permitted development, and given that the proposed dwellinghouse would only be marginally greater than the building's existing footprint, there were very special circumstances that outweighed the substantial harm to the Green Belt from inappropriate development.

The Council successfully challenged the decision of the Planning Inspectorate on four grounds, one being that the Inspector had failed to properly consider the impact of the development on the openness of the Green Belt, and the decision was quashed in May 2019.

This latest appeal decision reconsiders the original non-determined proposal, noting that, if it had proceeded to determination, the Council evidence indicates that planning permission would have been refused as it considers the development would constitute inappropriate development in the Green Belt with an associated impact on its openness.

The Inspector clarifies that the main issues are: whether the proposal is inappropriate development in the Green Belt and, if it is, whether the harm is clearly outweighed by other considerations such that there are very special circumstances to justify the development.

Para 145 of the NPPF asserts that construction of new buildings should be regarded as inappropriate in the Green Belt, which is subject to exceptions including clause d) which allows for a replacement building provided it is in the same use and not materially larger than the one it replaces. The Inspector found that the proposed house would be materially larger.

Clause g) of para 145 allows limited infilling or the partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt. The Inspector found that, despite some screening, the scale, bulk and massing of built form arising from the cumulative increase in height and depth relative to its proposed footprint would be perceptible and would have a greater impact on the openness of the Green Belt than the existing development and so concluded that the proposal is inappropriate development in the Green Belt.

In relation to very special circumstances, the Inspector found that the removal of a dwelling with asbestos concrete and the improved energy efficiency of the replacement dwelling were not benefits that amounted to very special circumstances. Neither was he satisfied that other options had been fully exhausted that delivered a less harmful replacement dwelling with similar benefits.

The appellants had argued that the existing dwelling could be rebuilt in its current layout and that it retains permitted development rights under GDPO,

with the proposal comprising 43% of the total footprint, 74% of the total volume and 84% of the total length of frontage of the identified fallback position.

The Inspector felt that it was not within the remit of this appeal to determine the precise permitted development rights associated with the existing building or the site. However, based on the condition of the current building, he expressed reservations as to whether it could be repaired without planning permission to an extent that the suggested alterations and extensions would be feasible. He also noted that the fallback position was of a more modest height than the proposal and arranged over a greater proportion of the site and the possibility of such a development is not justification for the harmful loss of openness of the Green Belt.

The Inspector also concluded, therefore, that the very special circumstances necessary to justify the development do not exist.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for erection of single-storey rear extension to dwellinghouse. (Amended 27.06.2019) at 200 Earl Marshal Road Sheffield S4 8LB (Case No 19/00132/FUL) has been dismissed.

Officer Comment:-

The Inspector agreed that, due to the proximity of the neighbouring properties, the proposed 8 metre deep rear single storey extension would result in unreasonable over-dominance and create a sense of enclosure which would be substantively detrimental to the amenities of the occupiers of neighbouring properties, but that, given its position, the proposed single storey extension would have only a limited adverse impact on levels of daylight.

The Inspector also agreed that, as the patio doors of the extension would be less than 1.5 metres away from a wall, future occupiers would have very limited outlook from a substantial living space and that, as the patio doors were the only source of natural light, the amount of daylight in the extension would be limited.

They concluded that the extension would have a significant adverse impact on the living conditions of neighbouring and future occupiers with regard to loss of daylight and outlook.

#### 4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for application under Section 73 to remove condition

18 (Permitted development rights) imposed by planning permission 18/03000/FUL - erection of a dwellinghouse with integral double garage (Resubmission of planning permission 17/04626/FUL) at 29 Overcroft Rise Sheffield S17 4AX (Case No 19/02030/FUL) has been allowed.

Officer Comment:-

This appeal related to the refusal of planning permission for a request to remove a condition imposed by the Planning Inspectorate on a previous appeal decision. The condition withdrew all permitted development rights from the dwelling.

On considering this case the Inspector noted that the condition was originally imposed by the first appeal Inspector given the site's sensitive location partly within the Green Belt and within an Area of High Landscape Value (AHLV).

The main issue was whether the condition is necessary and reasonable given the sensitive location.

In considering this he agreed with the previous Inspector that the dwelling, whilst on the edge of an open field would be closely associated with neighbouring dwellings and would not therefore harm the AHLV, though would be readily visible from it and from the Green Belt.

He noted that all the permitted development rights removed have the potential to increase the visual intrusion of the dwelling, and given the size of the dwelling and the extent of works permitted, significantly so.

He resolved that a number of the smaller elements of permitted development rights (roof alterations, porches, chimneys, and microwave antennae) would not result in significant harm, as they would be relatively minor alterations within the context of housing to the rear.

He took a different view however on the elements of permitted development that involved extension and enlargement, additions to the roof, outbuildings, hard surfaces, and fences/walls as he felt these could significantly and harmfully increase visual intrusion.

He therefore concluded that the imposition of the original condition was in part reasonable and necessary, and varied the condition rather than agreeing to its removal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for Formation of additional raised external seating area to rear of public house at 173 West Street City Centre Sheffield S1 4EW (Case No 18/01647/FUL) has been allowed.

Officer Comment:-

The main issue in this case was not the actual provision of the external

seating; it was in relation to the hours of use that were requested. The Inspector rightly pointed out therefore that the effect of the proposal on the living conditions of nearby occupiers was the key consideration given that the application sought to use the outdoor area until 3am every day (with amplified music played externally until 10pm every day).

He noted that there are a substantial number of apartments in close proximity and took significant account of the noise assessment report submitted by the applicant, whilst noting that there are no formally adopted British Standards to assess noise associated with outdoor seating areas.

He accepted the conclusions of the report, despite the fact that the Council's Environmental Protection Service had significant concerns about the proposals and the fact that the Council has successfully argued for the hours of use of outdoor spaces to be controlled to protect city centre residents in the past, given that it is not possible to control the behaviour of people using these spaces.

Nevertheless, the Inspector argued that there was no compelling evidence to argue against the submitted noise report and on this basis he accepted the proposals as being in conformity with the UDP and the NPPF.

#### 5.0 CIL APPEALS DECISIONS

Nothing to report

#### 6.0 ENFORCEMENT APPEALS NEW

Nothing to report

#### 7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report

#### 9.0 RECOMMENDATIONS

That the report be noted.

Colin Walker  
Interim Head of Planning

*17 December 2019*

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