

Planning and Highways Committee

Tuesday 25 August 2020 at 2.00 pm

To be held as a virtual meeting

The Press and Public are Welcome to Attend

Membership

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.

PUBLIC ACCESS TO THE MEETING

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

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

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

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

Further information on this or any of the agenda items can be obtained by speaking to Abby Brownsword on 0114 273 5033 or by email to abby.brownsword@sheffield.gov.uk.

FACILITIES

N/A

PLANNING AND HIGHWAYS COMMITTEE AGENDA - 25 AUGUST 2020

Order of Business

1. **Welcome and Housekeeping Arrangements**
2. **Apologies for Absence**
3. **Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
4. **Declarations of Interest** (Pages 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 4th August 2020.
6. **Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
7. **Proposed Changes To The Public Path Network At Hunshelf Bank, Stocksbridge, Sheffield** (Pages 9 - 22)
Report of the Director of Business Strategy.
8. **Applications Under Various Acts/Regulations**
Report of the Director of City Growth
- 8a. **Application No. 20/01278/FUL - Hillsborough Park, Middlewood Road, Sheffield, S6 4HD** (Pages 23 - 42)
- 8b. **Application No. 20/01030/FUL - Stepney Street Car Park, Stepney Street, Sheffield, S2 5TD** (Pages 43 - 74)
- 8c. **Application No. 20/00159/FUL - Football Pitch, Hallam Sports Club, Sandygate Road, Sheffield, S10 5SE** (Pages 75 - 94)
- 8d. **Application No. 19/02912/OUT - Land Within The Curtilage Of Ingfield House, 11 Bocking Hill, Sheffield, S36 2AL** (Pages 95 - 122)
9. **Record of Planning Appeal Submissions and Decisions** (Pages 123 - 132)
Report of the Director of City Growth
10. **Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 15th September 2020.

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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.

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Planning and Highways Committee

Meeting held 4 August 2020

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

PRESENT: Councillors Jayne Dunn (Chair), Jack Clarkson, Tony Damms, Roger Davison, Peter Garbutt, Dianne Hurst, Bob McCann, Chris Rosling-Josephs, Andrew Sangar and Mike Chaplin (Substitute Member)

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1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Alan Law, Zahira Naz, Peter Price, and Peter Rippon.
- 1.2 Councillor Mike Chaplin acted as substitute for Councillor Peter Price.

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 Jayne Dunn declared a personal interest in Agenda Item No. 7a, Application No. 19/02130/FUL - The Plough Inn, 288 Sandygate Road, Sheffield, S10 5SE, as in her previous capacity as Cabinet Member, she had signed off the approval of the Plough as an Asset of Community Value, as a non-planning matter. Councillor Dunn declared that her previous decision as a Cabinet Member related to a different function of the Council and that she was not considering planning merits or the development potential of the site when she made that decision. She confirmed that at no time had she met with any campaigning groups or taken part in any campaigning. She had not formed an opinion on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee held on 14th July 2020 were approved as a correct record.

5. SITE VISIT

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

Committee.

6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

6a. APPLICATION NO. 19/02130/FUL - THE PLOUGH INN, 288 SANDYGATE ROAD, SHEFFIELD, S10 5SE

6a.1 Further details including additional representations with officer response and an additional condition were included within the Supplementary Report circulated and summarised at the meeting.

6a.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.

6a.3 Councillor Anne Murphy and Mr. Peter Duff attended the meeting and spoke against the application.

6a.4 Ms. Charlotte Stainton attended the meeting and spoke in support of the application.

6a.5 The Committee considered the report and proposed conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report now submitted and also having regard to representations made during the meeting.

6a.6 That Application No. 19/02130/FUL - The Plough Inn, 288 Sandygate Road, Sheffield, S10 5SE be REFUSED on the grounds that the proposal would involve the loss of a building that is considered to be a valued community asset, which before its closure supported community groups and activities catering for the social wellbeing and interests of a wide section of the local community, being designated an Asset of Community Value.

6b. APPLICATION NO. 19/02085/OUT - SITE OF SOUTH YORKSHIRE TRADING STANDARDS, THORNCLIFFE LANE, SHEFFIELD, S35 3XX

6b.1 Further details including additional representations with officer response, amended condition and an additional condition were included within the Supplementary Report circulated and summarised at the meeting.

6b.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.

6b.3 Councillor Terry Bawden (Ecclesfield PC) attended the meeting and spoke against the application.

6b.4 Mr. Keith Nutter attended the meeting and spoke in support of the application.

6b.5 The Committee considered the report and proposed conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report now

submitted and also having regard to representations made during the meeting.

6b.6 RESOLVED: That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for the erection of 8 dwellinghouses (Use Class C3) and a retail food store (Use Class A1) with access, car parking, servicing, landscaping and associated works (all matters reserved except access) at the site of South Yorkshire Trading Standards, Thorncliffe Lane, Sheffield, S35 3XX (Application No. 19/02085/OUT).

6c. APPLICATION NO. 20/00352/FUL - POST OFFICE, 509 PITSMOOR ROAD, SHEFFIELD, S3 9AU

6c.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.

6c.2 Mr. Tarlowchan Dubb and Mr. Richard Todd attended the meeting and spoke in support of the application.

6c.3 The Committee considered the report and proposed conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report now submitted and also having regard to representations made during the meeting.

6c.4 RESOLVED: That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report now submitted, for the demolition of existing building and erection of a three-storey building to form 6 x 2 bedroom flats and 3 x 1 bedroom flats at the Post Office, 509 Pitsmoor Road, Sheffield, S3 9AU (Application No. 20/00352/FUL).

6d. APPLICATION NO. 20/00040/FUL - THE WHITE HOUSE, VICARAGE LANE, SHEFFIELD, S17 3GX

6d.1 Further details including additional representations with officer response were included within the Supplementary Report circulated and summarised at the meeting.

6d.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

6d.3 Councillor Colin Ross and Mr. Michael Yates attended the meeting and spoke against the application.

6d.4 Mr. Graham Northern attended the meeting and spoke in support of the application.

6d.5 The Committee considered the report and proposed conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report now submitted and also having regard to representations made during the meeting.

6d.6 RESOLVED: That Application No. 20/00040/FUL - The White House, Vicarage Lane, Sheffield, S17 3GX be REFUSED on the grounds that the proposal represented overdevelopment which would consequently impact on the character of the area and the adjacent conservation area, and the amenity of existing and future residents in the surrounding area, and the final wording to be delegated to the Chief Planning Officer in consultation with the Chair of the Planning and Highways Committee.

7. UPDATE ON APPLICATION NO. 19/01832/FUL - LOXLEY WORKS, LOW MATLOCK LANE, SHEFFIELD, S6 6RP

7.1 The Committee received an update report on the recent S73 planning approval at Loxley Works. The application (Ref: 19/01832/FUL) was approved at the Planning and Highways Committee held on 18 February 2020 and requested that a report be submitted back to the Committee in six months time to ensure that the work had been carried out and conditions had been met to the satisfaction of the Council. It was reported that no details had yet been submitted by the developer and they had confirmed that the completion dates for the key conditions in respect of drainage systems would not be met in time.

7.2 RESOLVED: That the Committee note the details of the report now submitted and indicate their support for officers intention to begin enforcement action against any breach of planning should the previously agreed six month timeframe not be met.

8. DATE OF NEXT MEETING

8.1 It was noted that the next meeting of the Planning and Highways Committee would be held on Tuesday 25th August 2020 at 2pm.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Business Strategy

Date: 25th August 2020

Subject:

PROPOSED CHANGES TO THE PUBLIC PATH NETWORK AT HUNSHELF BANK, STOCKSBRIDGE, SHEFFIELD S36

Author of Report: Mark Reeder 0114 2736125

Summary:

To seek authority to process the Highways Act 1980 Section 119 Public Path Diversion Order required to alter the course of definitive public footpaths STO\2A and STO\3 at Hunshelf Bank, Stocksbridge, Sheffield S36.

To seek authority to process the Highways Act 1980 Section 26 Creation Order required to convert public footpaths STO\2A, STO\3 and part of STO\1B, at Hunshelf Bank, Stocksbridge, to bridleways, conditional on successful completion of the Public Path Diversion Order.

Reasons for Recommendations

Based on the information within this report, Officers support:

- the proposed diversion of parts of definitive public footpaths STO\2a and STO\3, as shown on the plan included as Appendix A; and
- the proposal to make a Bridleway Creation Order, following conditional on confirmation of the Footpath Diversion Order, as shown on the plan included as Appendix B.

Recommendations:

Raise no objections to:

- the proposed diversion of parts of definitive public footpaths STO\2a and STO\3, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected; and
- the proposal to make a Creation Order required to convert the existing footpaths, and those created following completion of the Diversion Order, into a bridleway, under the powers contained within Section 26 of the Highways Act 1980, as shown on the plan included as Appendix B.

10.2 Authority be given to the Director of Legal & Governance to

- a. take all necessary action to divert the footpaths under the powers contained within Section 119 of the Highways Act 1980;
- b. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved;
- c. then take all necessary action to make the Creation Order required to convert the existing footpaths, and those created following completion of the Diversion Order, into a bridleway, under the powers contained within Section 26 of the Highways Act 1980;
- d. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.

Background Papers:

Category of Report: OPEN

PROPOSED CHANGES TO THE PUBLIC PATH NETWORK AT HUNSHELF BANK,
STOCKSBRIDGE, SHEFFIELD S36

1.0 PURPOSE

- 1.1 To seek authority to process the Highways Act 1980 Section 119 Public Path Diversion Order required to alter the course of definitive public footpaths STO\2A and STO\3 at Hunshelf Bank, Stocksbridge, Sheffield S36.
- 1.2 To seek authority to process the Highways Act 1980 Section 26 Creation Order required to convert public footpaths STO\2A, STO\3 and part of STO\1B, at Hunshelf Bank, Stocksbridge, to bridleways, conditional on successful completion of the Public Path Diversion Order.

2.0 BACKGROUND

- 2.1 The City Council has received a request from Liberty Steels to divert the length of definitive public footpath STO\3 that passes through their facility at Stocksbridge, shown on the plan included as appendix A (hereafter referred to as 'the plan') as a solid black line and heading in a generally westerly direction for 840 metres between points A to C. In addition it is also considered necessary to close a short length of definitive footpath STO\2A, which links to footpath STO\3, shown as a solid black line between points B and D on the plan.
- 2.2 The affected part of footpath STO\3 commences at the Hunshelf Road entrance to the Liberty Steels site, shown in the photograph below and as point A on the plan.



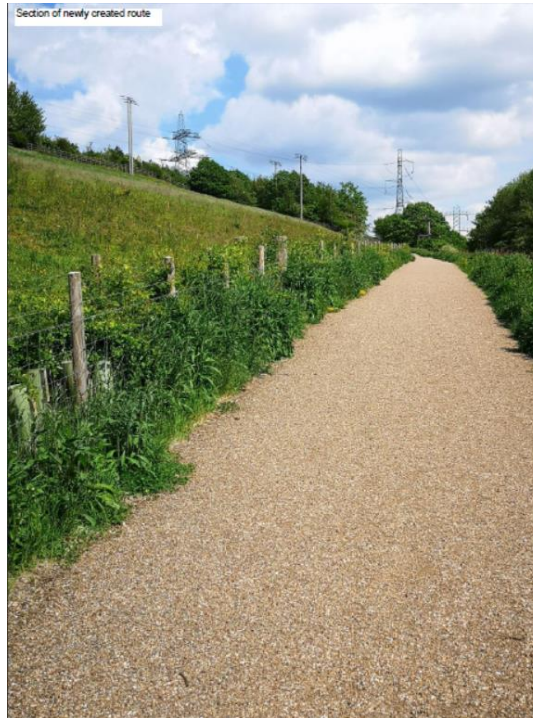
- 2.3 Footpath STO\3 continues along the private industrial road, which offers little in the way of refuge from vehicle movements for pedestrians, as can be seen in the photos below.



- 2.4 The affected part of footpath STO\2A provides a link between the points shown on the plan as B and D. Closure of the subject part of footpath STO\3 will render this section of footpath STO\2A redundant and it is therefore appropriate to include it within this proposal.

- 2.5 New sections of permissive footpath have been constructed on land owned by the City Council, shown between points C to D on the plan, and land owned by Liberty Steels, shown between points E to F. These two permissive sections, along with part of STO\1B between points A & F and the unaffected parts of STO\2A and STO\3 form part of the Little Don Link, though currently bridleway permissions (for horse riders and cyclists) are at the discretion of the land owners.





2.6 The current arrangement, along the permissive sections, does not protect the public from closure (without notice) by the landowners. This diversion proposal will enable the creation of a definitive public footpath route along the currently permissive parts, which will legally protect public walkers' pedestrian rights in perpetuity.

2.7 In addition to the provision of new path sections, parts of STO\1B, STO\2A and STO\3 (that create this part of the Little Don Valley Link) have been improved, in the manner of a multi-user bridleway route. These improvements include:

- widening the path, where necessary, to a minimum of 3.0m
- providing a 2m soft verge (for horses) where possible.
- resurfacing of the full length from Hunshelf Bank to Underbank Lane
- providing benches at several locations along the route.
- wooden safety fencing alongside parts where necessary

- 2.8 Following successful completion of the proposed legal diversion process, the permissive bridleway rights will remain at the discretion of the landowners.
- 2.9 On completion of the Footpath Diversion Order the Council will make a Creation Order, which, if successful, will provide a public bridleway path between Underbank Lane and Hunshef Road. This combined with other such routes along the Little Don Valley will provide an almost continuous off road route from Underbank to Deepcar, to be enjoyed by walkers, cyclists and horse riders.
- 2.10 These proposals have the full support of all affected landowners.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies.
- 3.2 Ward Councillors have been consulted and have raised no objections.
- 3.3 In February Councillor Julie Grocutt raised the proposal at a meeting of the Stocksbridge Town Council. Town Councillors had some concerns regarding the gradient that the diversion would create, though it was appreciated that this is the topography of Stocksbridge and considered that particular stretch to be manageable. Town Councillors welcomed the proposal for a safer pedestrian route.
- 3.4 The Peak and Northern Footpath Society are in agreement with the proposal and made the following comment:

The section of footpath STO\3 along a tarmac access road has little to commend it in terms of views or interest, unless one is an aficionado of corrugated iron buildings and other industrial paraphernalia. It would certainly be in the landowner's interests to see it removed from the proximity of these buildings as well as improving the safety of walkers. The new proposed route has much superior views, being at a higher level above the industrial buildings.

- 3.5 Not all the consultees had responded at the time of writing this report. But of those that have responded no objections have been received.
- 3.6 If any negative comments relating to the application are received before the Planning and Highways Committee meeting, they will be reported verbally.

4.0 LEGAL IMPLICATIONS

- 4.1 The Director of Legal & Governance has been consulted and has advised that if the Council was minded to agree to this application it would be appropriate to:
- process the diversion using the powers contained within Section 119 of the Highways Act 1980. These powers provide for a public footpath to be diverted if it is expedient in the interests of the landowner, and if the

Council believes that the proposed alternative will be substantially as convenient to the public as the existing path.

- process the Creation Order using the powers contained within Section 26 of the Highways Act 1980, following confirmation of the Footpath Diversion Order. These powers allow for the creation of a new right of way, in this case a bridleway, to be created where it can be shown that there is a need for it.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The subject paths STO\3 and STO\2a are part of the definitive public footpath network in the Stocksbridge area.
- 5.2 Though the closure will remove one opportunity for a 'round walk' on the valley side, the proposed new public footpath will be safer, wider and generally more pleasant than the existing one.
- 5.3 The proposed diversion should therefore not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.
- 5.4 The proposed bridleway will provide a multi-user route for the enjoyment of walkers, cyclists and horse riders.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposals in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

- 7.1 No particular environmental implications arise from the proposals in this report.

8.0 FINANCIAL IMPLICATIONS

- 8.1 All the costs of the Diversion Order process and the provision and future maintenance of the new path will be met by the applicant from funds reserved in the Local Transport Plan.
- 8.2 The bridleway route (albeit at this stage permissive) has already been constructed/improved with funding from the Cycle Ambition Grant awarded to Derbyshire County Council in order to improve links in to the Peak District and the Sheffield Local Transport Plan (LTP) at a cost of approximately £320,000. However, as construction was carried out several years ago, it is now necessary to undertake some minor additional works to bring the path up to current adoptable standards, at a cost of £6610. In order to cover maintenance costs for the next 25 years a commuted sum of £95688 will be paid to the Council from the LTP.

9.0 CONCLUSION

9.1 Based on the above information, Officers support:

- the proposed diversion of parts of definitive public footpaths STO\2a and STO\3, as shown on the plan included as Appendix A; and
- the proposal to make a Bridleway Creation Order, following conditional on confirmation of the Footpath Diversion Order, as shown on the plan included as Appendix B.

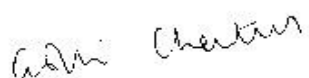
10.0 RECOMMENDATIONS

10.1 Raise no objections to:

- the proposed diversion of parts of definitive public footpaths STO\2a and STO\3, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected; and
- the proposal to make a Creation Order required to convert the existing footpaths, and those created following completion of the Diversion Order, into a bridleway, under the powers contained within Section 26 of the Highways Act 1980, as shown on the plan included as Appendix B.

10.2 Authority be given to the Director of Legal & Governance to

- a. take all necessary action to divert the footpaths under the powers contained within Section 119 of the Highways Act 1980;
- b. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved;
- c. then take all necessary action to make the Creation Order required to convert the existing footpaths, and those created following completion of the Diversion Order, into a bridleway, under the powers contained within Section 26 of the Highways Act 1980;
- d. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.



Gillian Charters
Head of Highway Maintenance

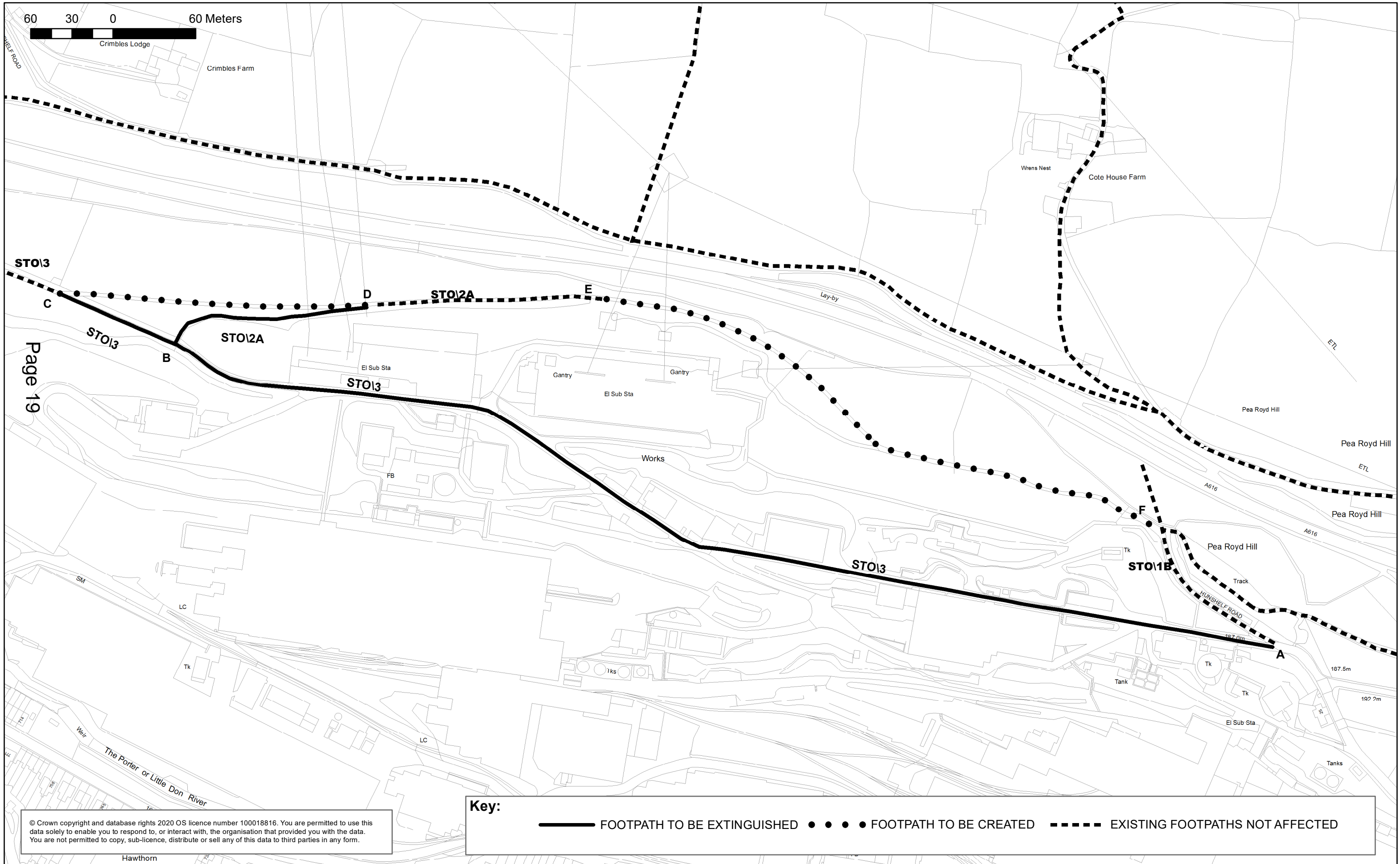
25th August 2020

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PROPOSED FOOTPATH DIVERSION AT HUNSHELF BANK

APPENDIX A



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Key:

FOOTPATH TO BE EXTINGUISHED
 FOOTPATH TO BE CREATED
 EXISTING FOOTPATHS NOT AFFECTED

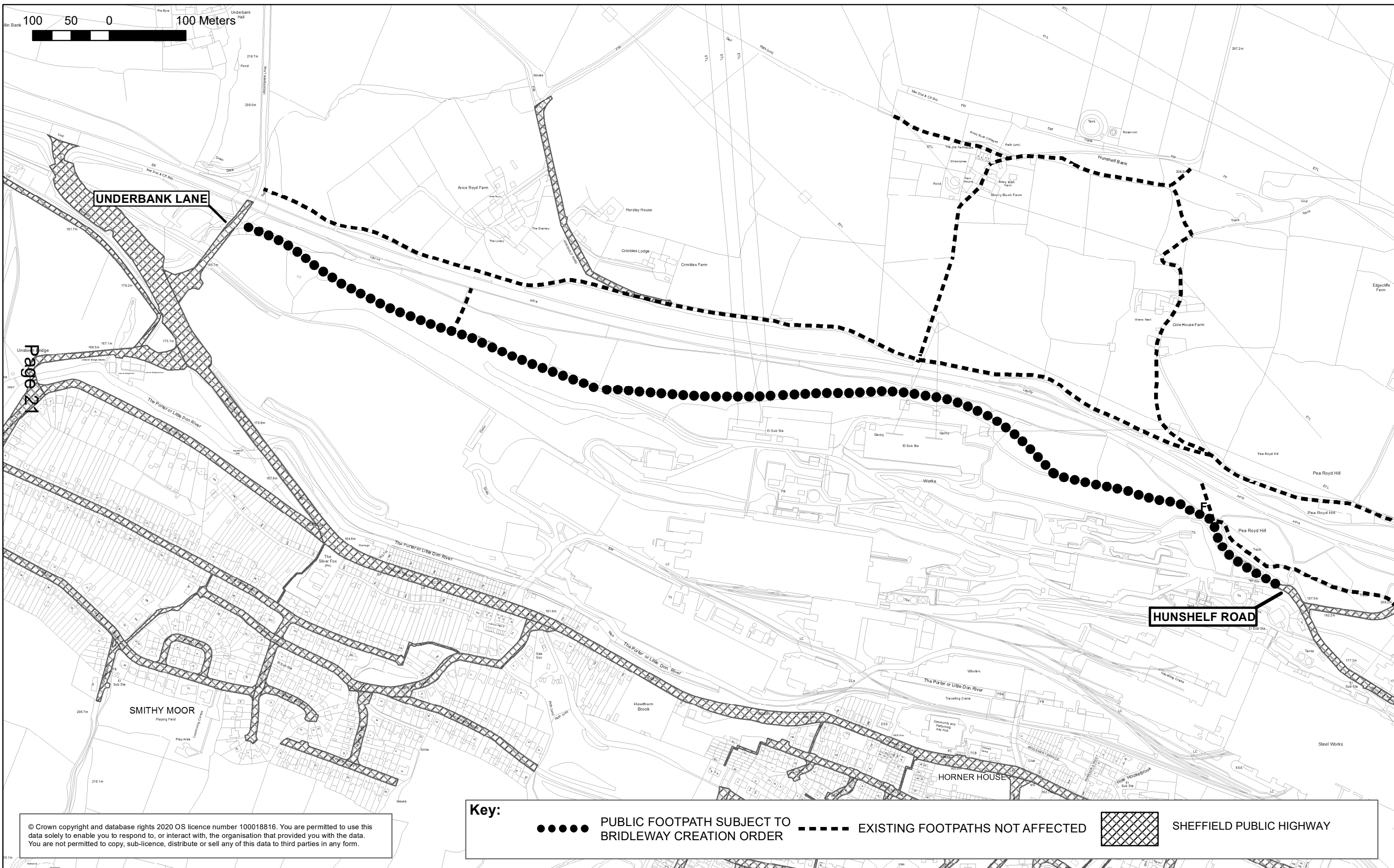
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Highway Records
Operational Services
Howden House
Union Street
Sheffield
S1 2SH

PROPOSED BRIDLEWAY CREATION ORDER AT HUNSHelf BANK, STOCKSBRIDGE FOLLOWING SUCCESSFUL COMPLETION OF DIVERSION OF FOOTPATHS STO2A AND STO3

APPENDIX B



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Key:

- PUBLIC FOOTPATH SUBJECT TO BRIDLEWAY CREATION ORDER
- - - - - EXISTING FOOTPATHS NOT AFFECTED
- ▨ SHEFFIELD PUBLIC HIGHWAY

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Case Number	20/01278/FUL (Formerly PP-08616948)
Application Type	Full Planning Application
Proposal	Construction of an asphalt all-wheel bike track and learn to ride area, siting of 2 shipping containers for equipment storage and welfare facilities, provision of hard surfaced areas, benches, bike racks, signage, lighting columns and soft landscaping
Location	Hillsborough Park Middlewood Road Sheffield S6 4HD
Date Received	17/04/2020
Team	West and North
Applicant/Agent	Elsie Josland Landscape Design
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:

Site Location Plan - Drawing No. P609-03-PL-EJ-L001 published 17th April 2020

Masterplan - Drawing No. P609-03-PL-L003 published 17th April 2020

Masterplan - Drawing No. P609-03-PL-L004 published 17th April 2020

Hard & Soft Landscaping Plan - Drawing No. P609-03-EJ-L005 published 17th April 2020

Elevation Sheet 1 - Drawing No. P609-03-PL-L006 published 15th June 2020

Elevation Sheet 2 - Drawing No. P609-03-PL-L007 published 15th June 2020

Elevation Sheet 3 - Drawing No. P609-03-PL-L008 published 15th June 2020

Elevation Sheet 4 - Drawing No. P609-03-PL-L009 published 15th June 2020
Plan referencing section lines - Drawing No. P609-03-EJ-L0010 published 15th June 2020

Design & Access Statement by Elsie Josland Landscape Design (8 sections)
published 17th April 2020

Arboricultural Report by AWA Tree Consultants (dated March 2020)
Reference: AWA3117 published 17th April 2020
Tree Impacts Plan - Ref AWA3117 published 17th April 2020
Tree Constraints Plan - Ref: AWA3117 published 17th April 2020

Flood Risk Assessment by Ambiantal Environmental Assessment (Ref 5385)
published 12th May 2020

Reason: In order to define the permission.

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

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

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

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

4. 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.

5. Prior to the installation of any external lighting, full details of the design of the lighting shall be submitted to and approved in writing by the Local Planning Authority.

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.

6. Full details of the proposed tree species for the new trees shown on the approved landscape plan (Drawing No. P609-03-EJ-L005) shall be submitted to and approved by the Local Planning Authority before the development is brought into use. The development shall not be used unless the approved tree species have been provided in accordance with the landscape plan.

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

7. Details of cladding and/or a green wall to the exterior of the shipping containers shall be submitted to and approved by the Local Planning Authority prior to the shipping containers being installed on site. The containers shall not be used unless the agreed facing materials have been provided in accordance with the approved details and thereafter maintained.

Reasons: In the interests of the visual amenities of the site.

Other Compliance Conditions

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

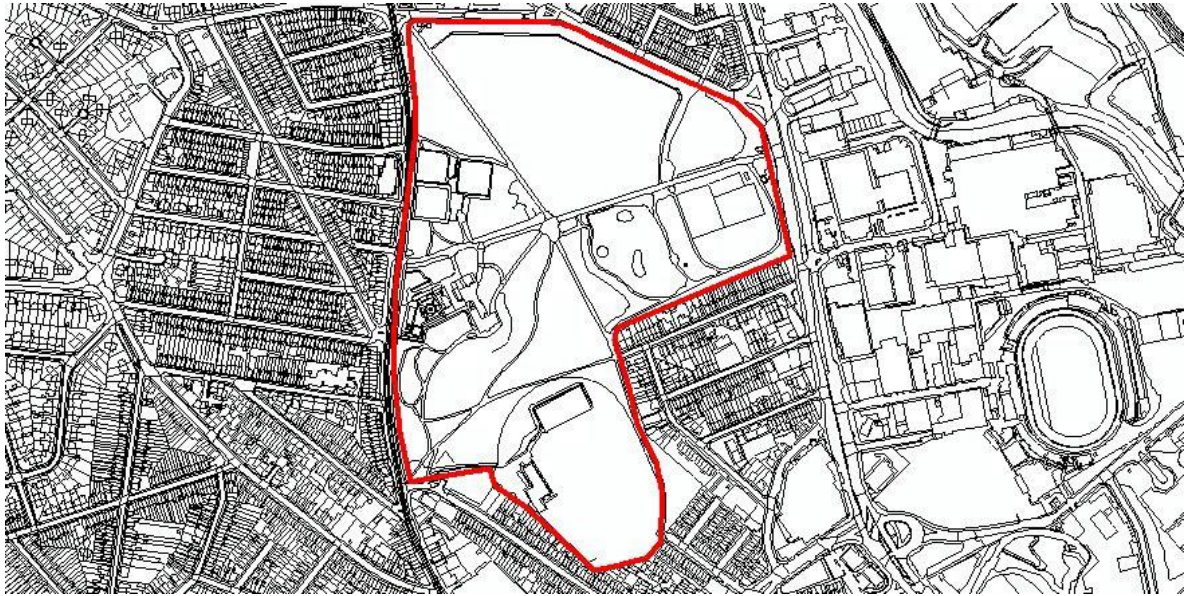
Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

Attention is Drawn to the Following Directives:

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

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

Site Location



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LOCATION AND PROPOSAL

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

Hillsborough Park is designated as an Open Space area, a Historic Park and Garden and lies within the Hillsborough Conservation Area as defined by Sheffield Unitary Development Plan (UDP). There are also two Grade II listed buildings within the confines of the Park (Hillsborough Hall and The Lodge). A primary school located on Parkside Road to the north-western side of the park is also listed.

Proposal

Planning permission is sought for the construction of an asphalt all-wheel bike track and learn-to-ride area; siting of 2 shipping containers for equipment storage and welfare facilities; provision of hard surfaced areas, benches, bike racks, signage, lighting columns and soft landscaping.

The bike track is to be located within the south-eastern corner of the park on a parcel of land immediately adjacent to the tennis courts and multi-use games area (MUGA). A footpath separates this parcel of land from another grassed area adjacent to the boundary wall adjoining the rear gardens of houses on Broughton Road. The bike track would be positioned between the southern side of the tennis courts and this footpath. The bike track would comprise approximately half of this grassed area (northern half) with the other half retained as grass. The grassed area and trees between the footpath and boundary wall adjacent to gardens on Broughton Road is to be retained. Additional tree planting is proposed within this area.

The scheme is proposed by Access Sport's Making Trax in conjunction with the Council's Parks and Countryside Department. Access Sport intend that the track will be an open access, all ages and all abilities facility and they aim to develop a cycling club, based at the track, with storage facilities for equipment and regular coaching sessions.

The submitted plan shows a learn-to-ride area which is to be contiguous with the MUGA. It is to be a flat multi-functional tarmacked area with coloured thermoplastic road markings, including crossing points, turnings and other coloured shapes. A beginner's pump track is proposed adjacent which is to be made up of gentle rollers (smooth mounds) and berms (bends). Both of these areas can be used by a wide range of wheeled vehicles, including adapted bikes, balance bikes, trikes and scooters.

The main portion of the proposal is to be a pump track, which is to be predominantly located parallel with the southern boundary of the tennis courts. The track is to be a continuous loop of berms (bends) and rollers (smooth mounds). Pump tracks are

intended to be ridden by cyclists of all ages and skill levels and are designed for mountain bikes, scooters, BMXs, skateboards and inline skates. The track is not designed for motorised bikes. A small flat-top galvanised steel fence (1.1 metre high) is proposed between the track and the footpath adjacent to Penistone Road, otherwise the track is intended to have open access and is to be free for all to use.

PLANNING HISTORY

No relevant history.

SUMMARY OF REPRESENTATIONS

Site notices were displayed within and around the park on 3rd June 2020 with an expiry date for comments of 28th June 2020

Gill Furniss MP has objected on behalf of her constituent, as summarised below:

- Existing problem with rats, the site will lead to an increase in rubbish.
- Vandalism and break-ins have occurred when picnic benches were placed in this area and subsequently moved – the herons stopped nesting on the pond.
- Depriving local people of green space which is used for cricket, football, rugby as well as picnickers and young families.
- Since lockdown, the park has been much busier, which after lockdown can be used for multiple purposes and become even more for good mental health.
- Removal of green space which regularly floods.
- Location seems to be chosen so Tramlines not compromised. Does not seem fair to accommodate a 3 day event for a proposal that will impact residents 365 days a year.
- Concerns over the consultation process .Neighbours have found it impossible to navigate the website or register concerns.
- A bike park is an exciting proposal, but would suggest that Wardsend and the Upper Don Trail is the perfect location.

Disability Sheffield -Sheffield Cycling 4 All is broadly supportive of the proposal provided the bike park is sufficiently low above ground level.

77 representations have been received of which 26 are in objection and 51 are in support of the scheme. The bulk of the objections are from residents living closest to the site, whereas the supporters are from a wider area.

The objections are summarised below:

- The patch of grass is used year round by people practicing football, rugby and cricket.
- There is no other area of the park that is floodlit and offers a flat grassed area for grassed based sports.
- Reconsider locating on grass adjacent to Hillsborough Arena.
- Could attract undesirable behaviour in the evening if it is not fenced off, causing nuisance to residents.
- Increase in antisocial behaviour.
- Will result in youths congregating, drinking, taking drugs.

- Located too close to homes, causing noise issues.
- Noise pollution.
- Increased litter.
- Anti-social behaviour at night when picnic benches used to be in place, proposal will cause similar.
- Will make residents feel unsafe.
- Lights should be switched off at 8pm.
- Carving off green space for a single use activity, which is possible in the park anyway.
- The park should promote sport for all, not one niche section of the public.
- Numerous other bike facilities elsewhere – Parkwood Springs, Bolehills, Devonshire Green.
- The path around the edge could become quite enclosed, being a corridor to Penistone Road rather than a part of the park.
- Unsure if sign posted as part of consultation. Not enough publicity.
- Residents do not feel engaged or consulted.
- Proposal will make park smaller and less attractive. It has already been reduced by creation of car park; the park is too small to lose another green area.
- Shipping containers not acceptable and will be an eyesore.
- Floodlight will impact views.
- It may add a facility to the park, but it would detract from the appearance.
- It will lead to an increase in traffic to the area, reducing on-street parking further.
- Not sufficient parking provision.
- Trams do not allow transportation of bikes and existing walking and cycling routes are poor, thereby increase in cars.
- Lighting will impact bats which are a protected species.
- Lighting could affect residents and local wildlife, notably wildlife using the nearby pond.
- No information regarding operating hours or expected number of visitors.
- Cyclists will pose a danger to pedestrians.
- Out of keeping for a conservation area.
- Will increase use in this area of the park by people who do not live there or consider family in area, leading to noise nuisance.
- Increase in activity during day and night.
- Site is one area of the park that does not flood, whereas other areas of the park become boggy. Proposal removes use of this area.
- Exacerbate flooding issues.
- Area is prone to flooding, asphalt will worsen this.
- Increase in cars accessing the site will increase air pollution.
- During Covid crisis the park has been used by a lot more people, helping maintaining mental health – this should be allowed to continue for all of the park; not a niche section.
- Eyesore made of asphalt is environmentally unfriendly.
- Overdevelopment of the park alongside the old stable block by Help The Aged.
- Already existing issues from football and Tramlines.

Non-material planning considerations

- It would worsen the view from houses on Broughton Road.
- Many other towns and cities do not have such facilities at all.
- Money would be better spent on cleaning the pond, repointing the park walls and clearing out rats.
- A condition of the scheme is that the East Lodge is renovated and used.
- Would it not be better to create a community space such as an allotment.
- A number of support comments are from people outside of Sheffield.
- People chose to live in local houses as they look out over greenspace, the proposal denies them this.
- Parkwood Springs or Wardsend Cemetery could be a more useful location, or the old ski village.
- Should site it next to the people who support the idea as they wouldn't need to travel to it.
- Introduction of new trees will prevent views of the park – residents moved here due to amenity, location, infrastructure and views.
- Could affect house prices.
- Trees were removed a few years ago due to impact on boundary wall.

Comments of support are summarised below:

- Brilliant location
- Wonderful addition to local area
- Supports young people
- Contributes to health and well-being of the community
- Cycling has an important role in reducing carbon emissions, fighting obesity, improving fitness, and improving air quality.
- Will attract visitors to Sheffield
- Great asset for all ages.
- Amazing addition to the cycling offer in Sheffield.
- Located in an underused area of the park.
- Wished it covered more area.
- Floodlit area allows for use after work in the evening time.
- Great all-weather facility as some dirt tracks can become vulnerable to damage in poor weather.
- Fantastic opportunity for local children to learn to ride.
- Opportunity for disabled and other groups to access a safe place for cycling.
- Skateboard England fully supports the development
- Safe environment for bikers to ride.
- The UK once led the way in Olympic cycling; tracks like this can create the new breed.
- It will be more approachable for beginners than the large mountain bike loop at Parkwood Springs or Bolehill BMX tracks which are for people with more developed skills.
- Hillsborough Park needs some investment like this. Parkwood Springs demonstrates that the more an area is used the safer it is, rather than attracting crime.
- The park is already noisy due to traffic; any extra noise will be drowned out.
- Hillsborough Park is popular but the large space is poorly used.

- The site area is small compared to the overall size of the park so any loss would be minimal.
- Having a premium facility built by a world class contractor would be another cycling facility to cement Sheffield's place as one of the finest mountain biking areas in the UK.
- Shipping containers butting up against chainlink fencing of the tennis court would not be an eyesore.
- Proposal is nicely situated in front of the multi-use games area so as to allow views through. Only the floodlights may be of concern, but could be located suitably and turned off at reasonable times.
- Anti-social behaviour seems to happen in secluded area of the park near the library where there is little footfall. Bike park will not increase or cause these issues. Proposal will increase footfall, limiting concerns.
- Would be an asset to Sheffield's outdoor city image.
- Social benefits of proposal, creative culture and civic engagement to soft policing and reduced anti-social activity.
- The development strongly aligns with Sport England's support to provide infrastructure to enable all members of society to take part in sport and physical activity.
- Floodlight concerns can be addressed by suitable conditions to ensure suitable switch off times.
- Ideal location with great transport links and parking.
- Severe lack of cycling training facilities to allow people to learn – proposal welcomed.
- Contribute to obesity and mental health in young people.

Sport England representation

Sport England (SE) were consulted on this application as the proposals involve a facility to serve an existing sports ground. They raise no objection and have stated the following:

Sport England supports the principle of facilities which encourage people who are inactive to be active and proposals which are in accordance with both government's Sporting Futures Strategy and help to deliver the five outcomes of their strategy (physical wellbeing, mental wellbeing, individual development, social and community development and economic development.) In line with the Government's National Planning Policy Framework (NPPF) (including Section 8) and Planning Practice Guidance (PPG) (Health and wellbeing section), Sport England consider that the proposal will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's ten Active Design principles promote environments that offer communities the greatest potential to lead active and healthy lifestyles. Those ten principles help ensure the design and layout of development encourages and promotes participation in sport and physical activity. Principle 7 supports the provision of appropriate infrastructure to enable physical activity to take place to enable all members of society to take part in sport and physical activity.

Sport England consider that the proposal would encourage active recreation, and enable the community to experience the benefits of taking part in physical activity and provide a facility to enable them to lead active and healthy lifestyles in

accordance with both the Government's and Sport England's' strategies. To ensure they are fit for purpose, the facilities should be designed in accordance with relevant British Cycling or the relevant National Governing Body, design guidance.

PLANNING ASSESSMENT

National Planning Policy Framework (NPPF)

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

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

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

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

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

Land Use

Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

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

These local plan policies and paragraph 97 of the NPPF are broadly aligned, such that the local policies carry significant weight.

The principle of the proposed use is acceptable as it is a facility to support the leisure and recreational function of the park. Such facilities are acceptable in open space areas especially those which introduce new facilities and support the recreational function of open space areas, providing they do not degrade or result in the loss of important landscape features or areas of high quality open space.

The bike track would introduce a new facility into the park which is otherwise not currently catered for. The proposal is therefore compliant with UDP Policy LR2 which promotes new leisure facilities notably those which are small-scale local facilities. The bike track is to be located on a relatively small area of the park but would serve a wide area of Sheffield's population.

UDP Policy LR5 states that development in open space areas will not be permitted where they would damage the character of a Historic Park or Garden; or where they would harm the appearance of a public space. The bike track would comprise a very small area relative to the overall size of Hillsborough Park and therefore it is not considered that the proposal would be overdevelopment or result in the loss of an important area of the park. Significant areas of grass and open land within the park would be retained to be used for various recreational purposes, notably the large area of grass on the northern side of the park. The introduction of a bike track facility would be relatively small and would not undermine or prevent the park being used for other leisure purposes such as walking, running or grassed based sports etc.

Pre-application discussions were undertaken prior to this planning application being submitted which considered a number of locations across the park. The site currently shown was considered to be the only viable location. The northern half of the park appears to be unchanged from OS maps circa 1890, which comprises open grassed lawn and trees lining the footpaths and boundary edges. The south western area of the park comprises rolling grassed areas, tree-lined paths and is in vicinity of the Grade II listed Hillsborough Hall (Library). This open aspect in combination with tree lined footpaths form a strong character of the park's appearance and contributes to its designation as a Historic Park and Garden. A bike track positioned in these areas would ultimately affect the appearance of the park and the setting of the Listed Hillsborough Library.

The site chosen and shown on this application is immediately adjacent to the tennis courts and MUGA. This area of the park appears to be the only space which has been significantly altered since its creation. It is understood that the tennis courts were created around 1923, however the area now has a modern municipal character due to the tennis court fencing and the creation of the adjacent MUGA. Consequently the location of a bike track immediately adjacent to these utilitarian features is not considered to affect or degrade the appearance of the park any further. As mentioned, the proposed use would introduce a new facility within the park which is compatible with and supports the leisure function of the designated open space. It is therefore considered that the proposal would accord with the aims of LR5. Further assessment and consideration in terms of appearance and impact upon heritage assets will be given in later sections of this report.

The scheme would also comply with the aims of UDP Policy LR10 as it would improve facilities offered within the park and aid in providing a wider range of outdoor recreational opportunities without limiting current provision.

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

The principle of the proposed use does not undermine the aims of Local and National open space policies, and is supported by UDP Policy LR2, LR5 and LR10.

The principle of proposing a bike track in the location shown is considered acceptable and in line with local plan policies and the NPPF.

Design & Impact on Heritage Assets

Paragraph 124 of the NPPF identifies that good design is a key aspect of sustainable development. Paragraph 127 sets out a series of expectations including ensuring that developments add to the quality of the area, are visually attractive as a result of good architecture; layout and landscaping; are sympathetic to the local character and surrounding built environment; establish and maintain a strong sense of place; optimise the potential of a site and create places that are safe, inclusive and accessible.

UDP policies BE5 and Core Strategy Policy CS74 seek to achieve good design. UDP Policies BE16 (Conservation Areas), BE19 (Listed Buildings) and BE21 (Historic Park & Gardens) are also applicable. The aims of these policies are consistent with the principles of Paragraphs 124, 127 and 130 of the NPPF and can therefore be afforded significant weight.

The location shown is the only area within the park which has been significantly altered from the original layout of the park due to the creation of the tennis courts and MUGA. As stated previously, the application site would appear to be the most logical position to introduce such a facility by clustering them together. Other locations would likely harm the appearance of the park and affect the setting of the listed buildings. It is considered that the bike track would be read alongside the context of the hardstanding of the MUGA and the tennis court. The bike track would result in the loss of a small area of grass, being replaced by the tarmacked bike track. The bike track would ultimately be utilitarian in form offering little in terms of design. Whilst the loss of grass is not ideal, it is only a very small area in comparison to the overall size of the park, which has significant greenery and large grassed areas. The track would be raised above current ground level by a maximum of 1.7m due to the berms being created, however it would not be significantly prominent given its position in the corner of the park adjacent to the tennis courts and their

associated boundary structures. The bike track would have minimal impact in terms of the main views within the park. The site is in the most secluded area possible, despite its position close Penistone Road. It is considered that other locations within the park would impede views within the park and could affect the setting of either of the two listed buildings.

The proposed plans also include two shipping containers sited side by side, a number of picnic benches and the erection of 6 lighting columns to illuminate the area in the evening. The lighting columns have not been shown on the elevations. Lighting columns would not be dissimilar to existing lighting within the park and relevant details can be secured by condition. Picnic benches are features generally found in parks supporting their recreational function and do not require planning permission. The siting of shipping containers is not ideal however the applicant has stated that it is essential to have storage nearby to support the running of the proposed cycling club. They are to be positioned up against the eastern boundary of the tennis court and would be primarily screened from Penistone Road by existing trees on the boundary edge of the Park. Nevertheless a shipping container is not considered appropriate within this park without some form of cladding or feature to help disguise it or least minimise its prominence. The applicant is agreeable to cladding the shipping containers with an appropriate material or alternatively introducing a green wall to provide some design quality and/or reduce its prominence. A condition is recommended to be attached to secure cladding/green walls to an appropriate standard.

Further to the above, UDP Policy BE19 identifies that development is expected to preserve the character and appearance of a listed building and its setting, with Policy BE16 seeking to preserve or enhance conservation areas and Policy BE21 seeking to protect Historic Parks & Gardens. These policies align with the following guidance in the NPPF, although the NPPF goes further in describing the levels of harm, so can be given moderate weight.

The NPPF seeks to protect heritage assets from unacceptable harm (paragraph 190 NPPF). Paragraphs 193 to 199 of the NPPF identify how the effects and impacts on heritage assets should be considered. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

It goes on to say that any harm to the significance of a heritage asset requires 'clear and convincing justification', that substantial harm to Grade II listed buildings should be exceptional (paragraph 194); and that, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal' (paragraph 196).

In considering whether to grant planning permission for development which affects a listed building or its setting, section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 states that the local planning authority shall have

'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With reference to paragraphs 193 to 196, consideration has to be given to the impact upon the setting of the heritage assets. In this instance the heritage assets are as follows:

- Listed building,
- Historic Park & Garden.
- Conservation Area.

There are two Grade II Listed Buildings within the park, - Hillsborough Hall (The Library) and The Lodge (adjacent to eastern entrance on Penistone Road). The site is approximately 250 metres east of Hillsborough Hall separated by grassed area, tree lined footpaths and the fish pond. The scheme would have little impact upon the setting of Hillsborough Hall given the significant separation distance between and that it would not be seen in context with it.

The track would be located approximately 60 metres south of The Lodge. The tennis courts would be positioned between meaning the impact of the bike track upon the setting of this listed building would be negligible. The location of the existing tennis courts and the car park to the north have altered the setting of The Lodge and have more impact than the proposed bike track would have. The bike track would not be seen in the immediate context with The Lodge and would be somewhat screened by the tennis court fencing. The proposal would tantamount to 'less than substantial harm' as outlined within the NPPF in terms of impact to both Listed Buildings, however as discussed any impact would be minimal and the wider public benefits of the scheme in introducing a new facility within the park outweigh this harm.

In terms of the Conservation Area and Historic Park & Garden designation (heritage assets), as discussed previously it is considered that the impact would be minimal given the position within the corner of the park adjacent to the tennis court. This is the only area of the park which appears to have been altered since its creation and therefore the introduction of a new facility next to the existing MUGA and tennis courts would have minimal impact upon the overall character of the park. It is considered that the bike track would lead to less than substantial harm upon these heritage assets which would be outweighed by the clear public benefits of introducing a new facility in the park.

In conclusion, the clear benefits of providing the bike track for users of the park and the residents of Sheffield are considered to outweigh the less than substantial harm that the scheme would have upon the designated heritage assets. The proposal is therefore considered compliant with the aims of the NPPF.

Residential Amenity

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

UDP Policy H14(c) states that in Housing Areas, development will be permitted provided that the site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

The above policy closely aligns with the aims of Paragraph 123 c) and 127 (f) of the NPPF and can be afforded significant weight.

The structure of the bike track would be suitably separated from neighbouring houses to ensure that the structure does not impact upon neighbouring living conditions. However, the use of the proposed bike track does have the potential to impact upon the neighbouring living conditions of houses on Broughton Road which run along the southern boundary line. The bike track would be separated by a distance of approx. 30 metres from the boundary wall of those gardens. A grassed area, footpath and a further grassed area would be retained between with a number of trees positioned along the boundary line.

The scheme has the potential to introduce additional noise into the park, though the use of the facilities would be consistent with the established use of that section of the park for similar purposes i.e. the MUGA and tennis courts. Any additional noise is therefore judged as consistent with the 'character of the area' in terms of a nuisance determination. The main potential for nuisance outside of this established use would seem to be any increased potential for persons to congregate (loiter) in the area after hours, possibly attracted by the lighting associated with the bike track. The facility is to be open access, so there is no potential for closing it when not in legitimate use.

It is not considered that the introduction of a bike park would increase noise levels to a degree significantly above that which already occurs from use of the tennis courts, MUGA and people playing sports on the grassed area. Acknowledgment is also given to the fact that this area of the park is in close proximity to Penistone Road which carries significant traffic and therefore offers a significant background noise nuisance as current. It is however recognised that lighting could attract people into this area of the park later into the evening and therefore it would seem that control of the lighting offers the best practicable mechanism to minimise any antisocial or undesired use of the facilities in later hours, when nuisance potential is greatest. It is acknowledged that local residents have raised concerns with regards to drug use, littering etc; however it cannot be ascertained that a bike park would increase such problems, and these problems seem to be existing issues as referenced by a number of local residents. Drug use and anti-social behaviour would be a Police matter, however it should be noted that the South Yorkshire Police have not raised objection to the application proposal and the scheme has been designed with 'Secure by Design' principles.

Conditions are recommended to secure an appropriate design of the lighting and an appropriate switch-off time. It is considered that an automated switch-off time of 2130 hours for the lighting is necessary, in consideration of the 'wind-down' indicated as necessary in the submitted Design & Access Statement for safety reasons, and to allow time for clearing away and securing any bikes or equipment used by the proposed Cycling Club. It is anticipated that this would be consistent with a published finish time of 2100 hours for the last session biking session. Similarly, the 0730

hours switch-on time allows for safe set up, with commencement of the first session at 0800 hours. Such conditions would aid in reducing the potential for activity in this area of the park into the late evening and would ensure that the lighting can be controlled to ensure that it is not directed towards or impact upon the local residents on Broughton Road.

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

Landscaping

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

This policy is consistent with Paragraph 127 b) of the NPPF and can be afforded significant weight.

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

This policy broadly aligns with para 170 b) of the NPPF.

The proposal would result in the loss of small section of grassed area. This is significantly small relative to the size of the park. As mentioned previously, the bike track will have a minimal impact upon the setting of the park and its landscape.

A submitted tree survey confirms there are existing veteran trees within the confines of the site boundary; positioned lining the boundary. The submission indicates that these trees are not to be removed and contribute to the character of the park.

Seven new trees are to be planted along the boundary line with the houses on Broughton Road. This will provide some further screening to this area of the park. A condition is recommended to be imposed to secure details of the species and planting methods and to ensure these trees are planted.

The scheme would therefore be compliant with UDP Policies BE6 and GE15, and paras 127 b) and 170 b) of the NPPF.

Ecology

Paragraph 170 a) and d) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, minimise impacts on and provide net gains in biodiversity.

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

developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

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

The site area as existing is grassed lawn which has limited biodiversity value and is largely used for recreation purposes which is likely to deter much wildlife from this area in any instance.

The site is approx. 30 metres east of the fish pond which is home to various wildlife, such as ducks and geese. It is not considered that the bike track would provide any additional harm over and above that caused by the MUGA or people using the site for recreational activities such as football, cricket and other sports.

The scheme includes the planting of 7 trees which will provide a small net gain in biodiversity and therefore would comply with the aims of the NPPF.

Flood Risk

A Flood Risk Assessment carried out by Ambiental has been submitted in support of the application as the majority of the site is located within Flood Zone 2.

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

The site comprises an area of approx. 230 square metres.

Whilst part of the site is within Flood Zone 1, the majority of the site is classified as being located in Flood Zone 2 which is categorised as “Land having between a 1 in 100 and 1 in 1000 annual probability of river flooding”

Due to the intended use of the site for outdoor sports and recreation, the site has been classified as “water-compatible development” in accordance with Table 2 of the NPPF Planning Guidance.

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

The submitted Flood Risk Assessment states that there are no EA or SFRA records of flooding from any source on site. It also states the flood risk to the site appears to be largely dictated by topography. The east of site is at a relatively low topographic level and is located in Flood Zone 2. The east of site is also considered to be at risk from groundwater flooding, and would be at risk in a ‘Low risk’ surface water flooding

event. By contrast, the western area of the site, which is at a relatively higher topographic level, is located within Flood Zone 1 and is considered to be at limited risk of groundwater flooding and would not be affected in any modelled surface water flooding event.

A pragmatic approach should be taken to flood risk given the small area of the site. The development is to comprise impermeable hard-surfacing, however the submission includes reference to a surface water drainage strategy. Details of such have not been provided. Given that the proposal is defined as 'water compatible' it is considered that a condition is appropriate to secure details of the surface water drainage strategy which would allay concerns in terms of the small risk of flooding on this site.

Highways

Development should seek to ensure highway safety as required under paragraph 108 of the NPPF. Paragraph 109 of the NPPF further states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The bike track would be located within the confines of the park. Whilst it would be adjacent to Penistone Road, it would not be significantly visible and would be partly screened by existing and proposed trees. The scheme is not considered to have a detrimental impact to highway safety or interfere with or provide a distraction to motorists.

Local residents have raised concerns that the bike track would likely increase car usage. The track is relatively small and it is unlikely that it would increase vehicular movements to the park to a level that could be considered to be harmful. Many users are likely to traverse to the site on bike, however there is paid parking available within the park to cater for motorists.

Other Matters

Tramlines festival is currently held within Hillsborough Park annually. It is understood that Tramlines utilise the south-eastern corner for VIP areas and as a means of ingress and egress for the event. The scheme has been designed to ensure that it does not affect the viability of that event which attracts circa 40,000 people.

The site is also used by Friends of Hillsborough Park, Sheffield Cycling for All, Hillsborough Park Bowling Club, Age UK and Tennis Sheffield. The scheme would not interfere with these parties.

CONCLUSION AND RECOMMENDATION

Planning permission is sought for the construction of an asphalt all-wheel bike track and learn-to-ride area, siting of 2 shipping containers for equipment storage and welfare facilities; provision of hard surfaced areas, benches, bike racks, signage, lighting columns and soft landscaping

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

It is considered that the proposal represents an appropriate form of development which would support the recreational function of the park and would introduce a new facility providing additional recreational choice for the residents of Sheffield. The proposed scheme is considered to have minimal impact upon the heritage assets of the Grade II Listed Buildings (Hillsborough Hall and The Lodge), Hillsborough Conservation and the designation as a Historic Park & Garden. The development is minimal in the context of the size of the park, being located adjacent to the tennis courts and multi-use games area (MUGA) within the south-western corner of the park. The proposal would not interfere with any key views within the park given its proposed position. This area appears to be the only location which has been altered since the creation of Hillsborough Park back in the 1890's. The harm to the designated heritage assets is considered to be less than substantial and is clearly outweighed by the public benefits of the scheme of encouraging greater participation in sport in a safe environment which can lead to substantial health and welfare improvements.

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

The site is located within Flood Zone 2, however the proposed use is defined as 'water compatible' in accordance with Table 2 of the NPPF Planning Guidance and therefore the development is appropriate. As the site is to be formed of predominantly impermeable surfacing a condition is recommended to be imposed to secure details of a surface water drainage strategy.

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

It is recommended that planning permission is granted subject to the listed conditions.

Case Number	20/01030/FUL (Formerly PP-08541730)
Application Type	Full Planning Application
Proposal	Erection of an 8-storey residential building (use class C3) comprising 95 no. one-bed apartments, 1 no. two-bed apartment and 4 no. studios, with associated works, including hard and soft landscaping, parking, access and amenity space
Location	Stepney Street Car Park Stepney Street Sheffield S2 5TD
Date Received	16/03/2020
Team	City Centre and East
Applicant/Agent	Ian Drabble
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:

614_SK12_01 Proposed Ground Floor Plan rev C
614_SK12_02 Proposed First Floor Plan rev B
614_SK12_03 Proposed Second & Third Floor Plans rev A
614_SK12_06 Proposed Fourth & Fifth Floor Plans rev A
614_SK12_05 Proposed Sixth & Seventh Floor Plans rev B
614_SK12_06 Proposed Eighth Floor & Roof Plan rev C
614_SK12_10 Proposed Elevations rev B
614_SK12_16 Contextual Long Sections rev A
614_SK12_17 Proposed Sections rev A

All published 13.03.2020

Reason: In order to define the permission.

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

3. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

4. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy and land stability features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

5. Where the findings of the intrusive site investigations identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

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

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

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

7. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

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

8. 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.

9. 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.

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

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

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

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

12. No above ground works shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;
 - a) Been carried out; or
 - b) Details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into (see directive) which will secure that such improvement works will be carried out before the building is brought into use unless an alternative timescale is agreed in writing with the Local Planning Authority.

Highway Improvements:

a. Resurfacing Stepney Street as needed to provide a shared surface from its Broad Street junction.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development.

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

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development.

14. No development shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise a rate of 3.5l/sec will apply.

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

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

15. No development shall commence until full details of measures to protect the existing trees to be retained on site and all trees directly adjacent to the site boundary (outside the red line), have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

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

16. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the sewer i.e. a protected strip width of 6 (six) metres, that traverses the site. If the required stand-off distance is to be achieved by closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

Reason: To ensure satisfactory drainage arrangements.

17. Upon completion of all approved remedial works/mitigatory measures in respect of coal mining legacy and land stability, 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.

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development.

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

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

19. The development hereby approved shall be constructed in accordance with the recommendations and enhancement measures detailed in the approved Preliminary Ecological Appraisal (PEA) (prepared by Weddle Landscape Design dated March 2020), including the undertaking of a dusk emergence/dawn return bat survey, the results of which, and any subsequently required further mitigation measures for bats, shall be submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the results of the above survey, the development shall not be occupied unless the following ecological enhancements, as recommended by the approved PEA, are implemented as minimum requirements: bat boxes;

bird boxes; tree and shrub planting; and a sensitive lighting scheme, unless an alternative but equivalent scheme is otherwise agreed in writing by the Local Planning Authority.

Thereafter the enhancement measures shall be retained and maintained for the lifetime of the development.

Reason: In order to ensure the development has an acceptable impact on local biodiversity

20. A comprehensive and detailed hard and soft landscape scheme for the site, including treatment of the retaining walls, shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the commencement of development, or within an alternative timeframe to be agreed in writing by the Local Planning Authority. Thereafter the approved landscape scheme shall be implemented before first occupation and thereafter maintained.

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

21. No roof mounted plant or equipment shall be fitted to the building unless full details thereof (including any screening) have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the plant shall be installed as approved.

Reason: In the interests of achieving an appropriate design

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

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

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

Window and door openings including reveals

Cladding

Parapets

Eaves

Soffits

PV panels

Retaining structures and boundary treatments

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

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

24. 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.

25. The development hereby approved shall be constructed in accordance with the scheme of works/recommendations set out in the approved Sustainability Statement (Section 7.05 within the Design and Access Statement rev B published 13.08.2020), unless an alternative but equivalent scheme is otherwise agreed in writing by the Local Planning Authority. Thereafter the scheme of works shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

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

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

b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

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

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

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

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

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

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

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

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

29. The residential accommodation hereby approved shall not be occupied unless details regarding the provision of additional lighting within the site have been submitted to and approved in writing by the Local Planning Authority. Once agreed, the lighting shall be provided before first occupation and thereafter retained.

Reason: In the interests of pedestrian safety.

30. The residential accommodation hereby approved shall not be occupied unless the car parking accommodation for 7 no. cars, as shown on the approved plans, has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

31. The residential accommodation hereby approved shall not be occupied unless a service management plan, detailing the proposed servicing arrangements, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the safety of road users.

32. The residential accommodation hereby approved shall not be occupied unless the internal bin store, as shown on the approved plans, has been provided and thereafter retained for the sole purpose intended.

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

33. Notwithstanding the approved plans, full details of the external visitor cycle parking stands and the internal cycle parking store, including suitable and sufficient access and circulation arrangements, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, such cycle parking accommodation shall be provided in accordance with the approved details before the residential accommodation is occupied and thereafter retained.

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

34. 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.

Other Compliance Conditions

35. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

Attention is Drawn to the Following Directives:

1. You are required as part of this development, to carry out works within the public highway: As part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you

must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Sheffield City Council
Howden House
1 Union Street
Sheffield
S1 2SH
For the attention of Mr P Vickers

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

2. 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.
3. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

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

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

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

4. 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

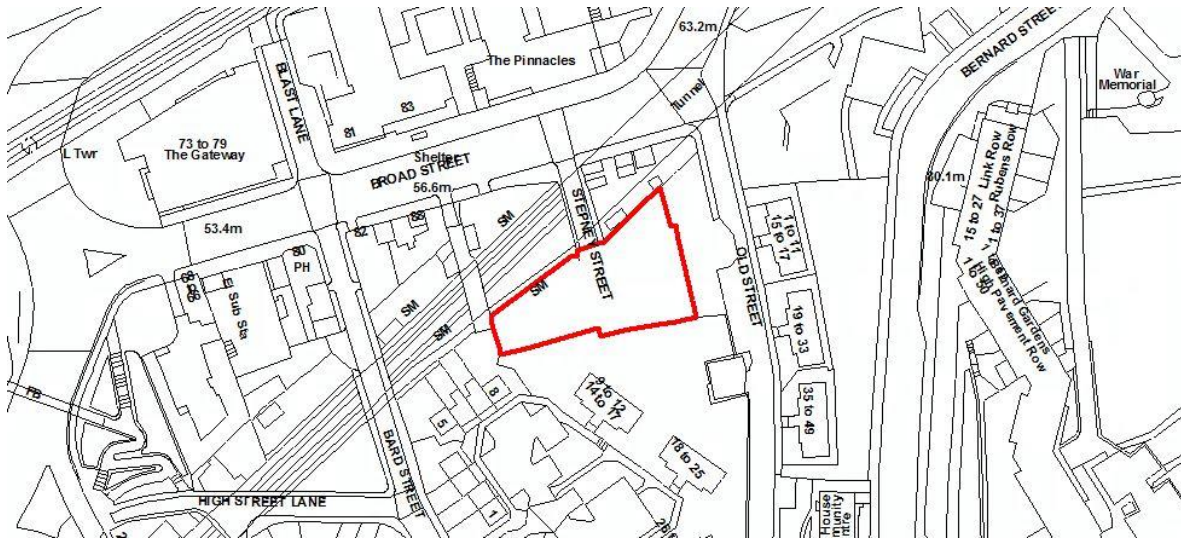
5. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
6. The applicant is advised that 'Talent Sheffield' is a Sheffield City Council initiative delivered through the Invest Sheffield and Opportunity Sheffield teams, to ensure that investors and developers in the City receive the support required to meet the commitments in the Inclusive Employment and Development Plan and deliver the maximum possible benefits to Sheffield people and its communities.
7. The applicant is advised that your ecologist can recommend a suitable type and appropriate siting of bat boxes. General 28mm bird boxes and a 'house sparrow terrace' at lower elevations, with a swift box at higher elevations are recommended. Tree and shrub planting should provide a mix of native flowering, nectar-rich and berry-bearing species. A sensitive lighting scheme should comprise low-level, low-intensity lights, minimising upward, outward light-spill and avoiding illuminating any trees or vegetated areas. The hedgehog boxes and wood/brush habitat piles have not been explicitly required by condition, as due to the nature of the site, use by hedgehogs is unlikely and the habitat piles may attract rats.
8. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:
 - Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
 - A communications strategy for principal sensitive parties close to the site.
 - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
 - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - Vibration.
 - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
 - A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.

- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at eps.commercial@sheffield.gov.uk.

9. The developer's attention is directed to correspondence from Network Rail (published 11.05.2020), Yorkshire Water (published 23.04.2020) and South Yorkshire Police (published 25.03.2020) on the public access planning file.
10. The applicant is advised that clearance of any trees or scrub vegetation should be carried out outside of the bird breeding season, generally accepted as March 1st - August 31st. All wild birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 during this period. If works are anticipated during this time, a nesting bird check should be carried out by an appropriately qualified ecologist.

Site Location



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LOCATION AND PROPOSAL

The application relates to a vacant plot of land off Stepney Street, seeking planning permission for the erection of an 8-storey residential building comprising 100 no. apartments (use class C3), with associated works, including hard and soft landscaping, parking, access and amenity space.

The development would comprise 95 no. one-bed apartments, 1 no. two-bed apartment and 4 no. studios.

RELEVANT PLANNING HISTORY

17/03675/FUL - Erection of a 7-storey residential building comprising 62no apartments (16no studios and 46no one-bed apartments) with associated access, cycle and disabled car parking, landscaping and amenity works – Granted conditionally 20.12.2017

17/03058/EIA - EIA (Environmental Impact Assessment) screening request for the erection of a 7-storey apartment block comprising 63no apartments, landscaping and ancillary works - Environmental Statement not required 07.08.2017

SUMMARY OF REPRESENTATIONS

Nine objections have been received from local residents and the adjacent business, in summary raising the following concerns:

- Lack of parking provision exacerbating existing parking problems in the area, unrealistic to build 100 flats and presume no car use with only 7 disabled parking spaces, an oversight and flaw in the scheme, impact on highway safety;
- No vehicle turning within the site has been shown;
- Adjacent business uses Stepney Street for parking and loading;
- Why have objections from the previous scheme not been carried over?;
- 95% one-bed apartments does not accord with Policy CS41;
- If viability is to be used to justify the density of the scheme then this report should be publically available;
- Internal space standards fall below Nationally Described Technical Space Standards and the South Yorkshire Residential Design Guide;
- Flats would face a steep land bank with insufficient natural daylight;
- Lack of outdoor amenity space provided, what is provided is poor quality, the roof terraces appear inaccessible;
- General poor quality of life offered, not healthy, not desirable or sustainable flats to live in;
- The scheme is approx. 7.5m taller and will overbear neighbours and impact on daylight, particularly to Old Street flats, whose daylight comes primarily from the front, and the properties on Bard Street, including gardens, with a lack of natural light damaging gardens;
- Invasion of privacy, including overlooking from the proposed roof terraces, to dwellings and flats on Bard Street and Old Street and their gardens;

- Inaccuracies on plans; some units incorrectly labelled as two-bed on the plans, the plans do not accurately represent the greenery surrounding the site;
- Query whether this is student accommodation, if so there is plenty on Broad Street;
- Query whether the PV panels are just to help with the planning application or will there be a genuine effort to make the building more environmentally responsive;
- The design does not fit in with the visual appearance or density of the area, overdevelopment of the site, leading to a poor quality building from a design perspective, scale and massing incongruous with character of area, detrimental impact on street scene and longer views, does not sit well alongside other buildings, including the residential development behind, and the setting of the Grade II Listed Park Hill flats;
- Impact on views from neighbouring properties;
- Impact on value of neighbouring properties;
- Noise disruption especially if used by students;
- Disruption caused by construction and contractor parking;
- Do not object to a lower scale development;
- The proposal offers nothing to the community, devalues existing sense of community, the area would benefit from longer term residents not short term residency one-beds.

RESPONSE TO REPRESENTATIONS

The material planning issues identified are addressed in the planning assessment. The remaining issues are addressed below:

- It is not standard practice to assume all objections from an extant permission still stand and carry these over. This is a different scheme to the one that was previously approved. Neighbours have been re-notified and invited to comment;
- Due to the commercial sensitivity of the subject matter, a redacted version of the viability report has been published, and assessed below;
- The labelling errors on the plans have been addressed and the overall number of studios, one-bed and two-bed flats have been clarified in the description;
- An officer site visit has been undertaken and the extent and nature of the greenery surrounding the site is fully appreciated;
- The proposal is for residential accommodation (use class C3), not explicitly a student scheme, although there would be nothing to stop students occupying the development from a planning perspective;
- Impact on views from neighbouring properties is not a material planning consideration (design and overshadowing issues are however considered below);
- Impact on the value of neighbouring properties is not a material planning consideration.

PLANNING ASSESSMENT

Planning Policy Context

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

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

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

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

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

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

Principle of development

The site lies within a Mixed Use Area, as designated by the Unitary Development Plan (UDP), where Policy MU1 promotes a variety of land uses by not allowing one single use to dominate.

Within the Broad Street Mixed Use Area, Policy MU3 identifies housing (use class C3) as unacceptable, due to existing uses of the area and its nearness to Sheffield Parkway.

However, it is acknowledged that the area is in transition and is notably different to when Policy MU3 was adopted in 1998, such that it is out of date. There are now a number of residential developments in the locality, in closer proximity to the Sheffield Parkway than the subject site. Going forward the area is re-designated for housing in the emerging Sheffield Plan. Furthermore, the site is surrounded by longstanding residential properties within the UDP designated Housing Area to the east and south. The principle of a residential development on the site is therefore acceptable, despite UDP Policy MU11(a) requiring no one use to dominate the area.

Moving forwards, the permission of housing developments in the area is considered to be in accordance with section 5 of the NPPF, which seeks to significantly boost the supply of homes. This takes precedence over the out of date local policy in this case.

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

Core Strategy Policy CS41(a) seeks to create mixed communities by providing a broad range of smaller households where no more than half the homes in larger developments (60 dwellings or more) consist of a single house type. In this case the proposed development would create 100 no. apartments (95 no. one-bed) and therefore would not accord with CS41(a).

Concerns raised regarding the dominance of one-bed apartments, and the potential impact on the area's existing sense of community created by providing accommodation more likely to be occupied by individuals, on a shorter term basis are noted. A greater mix of accommodation would be preferred in accordance with CS41(a), and this has been explored with the applicant.

However, the justification put forward by the developer for the scheme proposed, in the form of a viability report prepared by Knight Frank, is that the scheme is for the build to rent (PRS) market, with 100+ units required to make the scheme viable and secure institutional funding. As such, the previously consented scheme (62 no. units) is claimed to not be deliverable in the build to rent market by the submission. Such numbers (100+ units) can only reasonably be accommodated on this site by the provision of one-bed units.

The site sits within the City Centre Housing Market Area (HMA) where the Council's own analysis shows that one and two bedroom apartments dominate the housing offer. 84% of all dwellings in this HMA are flats and 74% have 1 or 2 bedrooms (City Centre HMA Profile 2019). Such provision meets the demand of young adults who make up the majority of residents in the City Centre HMA. However, this does limit housing opportunities for families wishing to move into or within the City Centre and a dominance of one and two bedroom apartments prevents the development of more mixed communities. Therefore, there is clear justification for a greater range of properties to be delivered in this location, given the requirements of CS41.

However, it is clearly essential for the scheme to be viable, and it is in the developer's interests to undertake market analysis and actually deliver a scheme that will let. The findings of the analysis are therefore accepted and weighed into the balance of consideration.

Paragraph 73 of the NPPF requires the Local Planning Authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. At present, Sheffield can identify a 5 year supply (although it is only 5.1 years so there is little margin for error), and the extant permission on the subject site will contribute to this, and significant weight is attributed to the benefits of the proposal in assisting Sheffield's required supply of housing.

From a planning perspective there is a clear need to find a viable use for this vacant brownfield site. A residential scheme is considered the most suitable use given surrounding flats; the fact the area is re-designated for housing in the emerging Sheffield Plan and the fact that residential use has also been developed between the site and the Sheffield Parkway in recent years. If the extant permission is not a viable development, the site will remain vacant for the foreseeable, and not deliver its contribution to the 5 year housing supply.

While the "tilted balance" does not apply, as a 5 year supply can be demonstrated at present, significant weight still must be attributed to the delivery of new homes, and ensuring the site does indeed deliver its contribution to the 5 year supply, given a key objective of the NPPF is to deliver a sufficient supply of homes.

The proposal would assist the aims of Core Strategy Policy CS24, which seeks to maximise the use of previously developed land for new housing, and CS26, which requires a density range of more than 70 no. dwellings per hectare at the edge of the City Centre to make efficient use of land. 100 no. apartments would represent a density of more than 800 no. dwellings per hectare, well in excess of the requirement. A high density scheme is therefore appropriate in principle in this sustainable, edge of City Centre location.

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

On balance, the viability justification for a high density, one-bed scheme to enable the delivery of this site to be realised in the build to rent market is accepted, and despite not according with CS41(a), the make up of the scheme can be supported in principle (notwithstanding the amenity, highways and design implications, assessed below). While the dominance of one-bed units in the scheme is a negative aspect of the scheme, and there would appear to be a need for larger house types, given the above Core Strategy policies and NPPF requirements, this is considered to be outweighed by the wider regeneration benefits of the scheme and realising the site's contribution to Sheffield's 5 year housing supply.

Design and landscaping

The cleared, vacant site is accessed off Stepney Street, a short access road off Broad Street, which is predominantly characterised by the recent student apartment developments (The Pinnacles and The Gateway) along its northern side, although there are a number of commercial uses within low level traditional buildings along the southern side of the street.

To the south and east, land levels are significantly higher, with the subject site dug into the landscape and retained by walling. To the south there are low-rise residential flats and dwellings positioned around a parking area off Bard Street, entirely screened by mature trees and vegetation. Low rise residential flats also face the site along Old Street, also partly screened by vegetation, although these neighbours are visible stepping uphill above the site. Consequently the area immediately to the south and east of the site is more green and residential in character.

High rise residential flats at Bernard Street (Harold Lambert Court) to the east and Park Hill to the west also form a predominant backdrop to the townscape.

The proposed residential development would be of a contemporary design approach, comprising a singular block of accommodation, with curved principle façade and curved parapet roofline facing out towards Broad Street, characterising its form. The development would principally be finished in white blockwork, with Eternit cladding to the set-back seventh and eighth floor levels, rear and lower portions. The ground and first floor levels would be recessed under a soffit with the building supported by columns in order to achieve the required circulation space.

Some concerns with the design approach have been raised by officers; however the design has not been amended to address these concerns, and must therefore be assessed as submitted, on its merits.

It is accepted that the form of the building is generally presented as a singular, wide mass, which is somewhat monolithic, and will dominate the hillside as viewed from Broad Street. This is not ideal; however, while the recessed ground and first floor levels are a rather utilitarian approach to achieving vehicle circulation space, it is noted that the response does provide a horizontal break to the massing, which would otherwise be only broken by the verticality of the window openings above. While a stronger vertical break in the form would have been preferred, the uniformity of the vertical window openings does go some way to breaking up the massing.

The extant permission achieved a suitable transition between itself and the two-storey dwellings to the west on Bard Street, due to lowering its scale at its western point. In this case, it is accepted that there is less of a transition, given 8-storeys are presented in a single block. However, the proposal is now a further distance away (approx. 16.5m from these low rise dwellings and sited at an angle to them), and not achieving a gradual transition in scale is less of a concern.

The height of the development would be viewed more appropriately to the east, with the Old Street flats stepping uphill behind. However, it is noted that the curved blockwork and recessed, clad elements produce a somewhat inelegant roof-scape, and the curved lines would sit rather uncomfortably against the orthogonal nature of these buildings behind.

The above points are considered negative aspects of the design; however, overall, given the site specific circumstances such as the level differences to the south and east, and the height of the residential developments opposite, it is considered that the scale and massing of the proposal can be accommodated on the site.

While Park Hill flats are visible in the townscape, given their distance from the site, it is not considered by your officers that the development could be argued to harm the setting of this listed building.

The level of screening to the south and east of the development and the much lower level of the site would ensure it would not be particularly dominant in the street scene of Bard Street or Old Street, and is not considered to have a detrimental impact on the character of this immediate residential area.

The contemporary design approach is considered to be of acceptable quality, and would be viewed alongside the contemporarily designed residential developments opposite; appropriate for this edge of centre location. The proposed white blockwork would contribute to the overall contemporary design approach, while relating to the neighbouring brick built buildings as the predominant material finish in the area. Full design details would be conditioned in order to ensure appropriate quality.

The site would be landscaped and the retaining walls would need to be improved as part of the development. This is important to provide a more suitable residential environment and some outdoor amenity space for future occupiers. The main entrance does not present a positive sense of arrival as it is treated as a vehicle dominated space. Full hard and soft landscaping details would therefore be secured by condition in order to accord with UDP Policy BE6. It is expected that this would enable an attractive shared, pedestrian/vehicle environment to be created.

The proposal would improve the character of the physical environment by bringing this derelict, brownfield site back into use and improving the appearance of the wider area. The proposal is considered to accord with the overall design principles as set out by UDP Policies BE5 and MU11(d), and Core Strategy Policy CS74. These design policies are considered up to date and in accordance with the NPPF section 12 which seeks to achieve well designed places.

Public Art

The inclusion of Public Art would be welcomed in the scheme. There are opportunities to introduce art and craft work at the site entrance that could bring together the new use and history of the area and help make sense of this landlocked site. This is a major development in the local area, and of a scale to justify a condition requiring full details to be submitted, in order to accord with UDP Policy BE12.

Living conditions of future occupiers

Each one-bed flat would comprise a bedroom, which could accommodate a double bed, a small shower room and an open living/kitchen/dining space. Each studio could accommodate a double bed, and would have a small shower room and kitchen/dining area. It is clear that the accommodation would only be desirable to, and suitable for, single person households, and will be less attractive and suitable for couples, limiting the potential usage.

While some flats are bigger than others, it is acknowledged that most of the accommodation offers a very limited amount of internal space for future occupiers. It is noted that accommodation levels generally fall some way below internal space standards given by the South Yorkshire Residential Design Guide (recommending an overall floor area of 46m² for a one-bed flat) and below the Nationally Described Technical Space Standards (37m² for a one-bed, one-person flat with a shower room) to varying degrees. No dedicated storage is provided in any of the flats.

While the SY Design Guide is a material consideration, weighed into the balance, it should be noted that these standards are not formally adopted policy. Neither are the Nationally Described Technical Space Standards statutory given the lack of an up to date Local Plan.

In most cases the one-bed flats would be just below or above the Nationally Described Technical Space Standard of 37m². While it is noted that a small number of flats would fall some way short of the standard at closer to 30m², with the studios smaller still, on balance, in absence of any locally adopted space standards, there are limited grounds for refusal on this basis.

Generally, most flats would offer a good outlook and levels of daylight amenity. The south elevation would place a large number of main habitable windows facing the site's rear boundary, comprising an approx. two-storey high retaining wall, approx. 4m away from the base of the building, with dense, mature trees and vegetation above. While this is a limited outlook in terms of views, this south facing outlook onto trees would generally offer acceptable daylight and amenity levels of occupiers at upper levels.

There is concern regarding this outlook onto the retaining wall for the three ground floor flats affected, and similarly, albeit to a much lesser degree, the four first floor flats affected. It is also noted that a first studio flat would also only have an outlook onto the retaining (eastern) boundary wall, around 3.6 to 4m away. However, the three ground floor flats particularly affected would face south, and should receive direct sunlight throughout the day, even if this is limited due to the retaining wall and vegetation above. The outlook from all the above mentioned flats would be onto amenity and planted areas. Overall, on balance, it is not considered that these negative aspects affecting a small number of flats are justifiable grounds for refusal of a scheme of this scale, whereby the vast majority of the 100 no. units would have good outlook.

Communal outdoor amenity space would be provided around the site and a series of semi-private roof terraces for some of the apartments on the seventh and eighth floors. The plans have been amended to clarify that access is directly from the flats adjacent to the roof terraces. It is noted that this amenity provision is limited;

however, the site lies in close proximity to the City Centre with various outdoor public amenity spaces.

The proposal is located in a mixed commercial and residential area with relatively high background levels. The predominant noise source is road traffic - vehicle movements are considered high and include public transport, and the railway network. Therefore, a noise survey would be required by condition in order to ensure appropriate sound attenuation measures are installed and avoid unreasonable noise disturbance to future occupiers.

Overall, subject to these conditions, it is considered that the living conditions for future occupiers would be satisfactory, according with UDP Policy H5(a).

Impact on neighbouring amenity

It is acknowledged that the proposed 8-storey scheme is taller than the extant permission of 5-7-storeys, and this places increased massing and windows facing towards neighbouring properties. The concerns raised by local residents regarding overbearing and privacy are addressed in turn below.

Overshadowing of Bard Street flats

It is acknowledged that the proposed development would present a large mass in proximity to the rear elevation and shared outdoor amenity area of the neighbouring Bard Street flats, specifically the block containing nos. 9-17.

Land levels have been fully appreciated by combination of officer site visits and the submission of section drawings by the applicant's agent. The proposed 8-storey block would be generally to the side (north-west) of these neighbouring flats (where there are no neighbouring windows), positioned approx. 13m away at its nearest point. The development would therefore not affect direct sunlight for these neighbours, including the communal garden area, with the sun rising in the east, travelling across the south and setting in the west.

It is noted that the block would be positioned to splay towards this neighbour; however, the proposed development would not start to encroach across 9-17 Bard Street's rear elevation until it was approx. 20m away, with this distance increasing further as the development progresses to the east.

It would appear that the habitable windows affected to the rear of the Bard Street flats serve an open living area also served by a front window, supplementing daylight into the main habitable room of each flat. The development would not project across the full rear elevation of this block (nos. 9-17), and would not project across habitable windows of any flats in the south-east side of the block.

The rear garden of the Bard Street flats slopes uphill to the rear and features high and dense mature trees and vegetation, partly screening the development. Overall, the arrangements and separation distances discussed above would ensure that the proposed development would not unreasonably overbear or overshadow these neighbours.

Privacy of Bard Street flats

It is acknowledged that the proposal for an 8-storey scheme with primary outlook facing the southern boundary would place a large number of windows in close proximity to the Bard Street flats and their outdoor amenity space.

However, mature trees and vegetation to the boundary, within the curtilage of Bard Street, provides a significant level of screening. Even in winter months when leaf coverage is sparse, the vegetation remains dense and would not allow clear, unrestricted views across the Bard Street flats' useable grassed garden area or directly into neighbouring windows.

At upper levels, the windows serving the main habitable rooms facing south would be in the form of triangular, projecting bays, with the main portion of the window (and therefore main outlook) angled east and away from Bard Street. While a narrow strip window would be angled towards Bard Street, it is not considered that these would permit unreasonable views over or into neighbouring property due to their narrow size and the intervening vegetation.

It is acknowledged that there is a seventh floor roof terrace facing the Bard Street boundary with regular windows serving this, and the eighth floor apartments above. However, at this level, views would be above and over the roofline of the flats, with the vegetation at ground level providing sufficient screening to the shared amenity space.

Some views at height may still be possible over the communal rear garden to the Bard Street flats, and the sheer number of windows facing these neighbours would create some perception of being overlooked, irrespective of primary views being angled away. However, as a shared amenity space, there is mutual overlooking onto this communal garden from the existing flats in any case. It is therefore not considered that the development would represent a severe breach of privacy, or an unreasonable perception of being overlooked, that would warrant refusal.

Privacy and overshadowing of Old Street flats and other neighbours

The development would be in excess of 27m from the front elevation of the nearest block (nos. 1-17) of the Old Street flats, which are in an elevated position to the subject site. The nearest portion of the proposed eighth floor would be only slightly above the ridge line of the Old Street flats.

Given the level of separation, is not considered that the proposal would unreasonably overbear this neighbour. The Old Street flats are due east of the subject site and the development would not impact on the majority of direct sunlight throughout the day. It would not be reasonable to refuse the application on the grounds that some late evening sunlight may be reduced from the west as it sets given the substantial (27m) separation between the development and Old Street flats.

The eaves line of the Old Street flats would be at a similar height to the development's proposed seventh floor roof terrace and views would be generally above neighbouring windows. Given this, and the level of separation, any views from this terrace, or any other main facing windows, would not represent an unreasonable breach of privacy for these neighbours.

It is noted that the Old Street flats have a communal garden directly adjacent to the proposed development, which would suffer a loss of privacy and some overbearing as a result of the proposal. However, this garden is across the road and to the front of the Old Street flats, and it is not considered that this is a sensitive, private amenity space that would justify refusal of this significant regeneration development, especially given the garden is partly screened by trees and vegetation. The garden would retain sufficient daylight and some privacy and would not become unusable as a result of the development.

No. 8 Bard Street

The proposed development is situated further from the nearest two-storey dwellinghouse at no. 8 Bard Street than the extant permission. A distance of approx. 16.5m would be maintained from the development to the dwelling at no. 8 at its nearest point, and the proposal does not overlook or overbear this neighbour, despite the increase in massing.

Windows would be oriented west and away from this neighbour's rear elevation/garden. While a roof terrace is proposed to the portion of the development closest to no. 8, given the distances and heights involved, it is not considered that the development would unreasonably impact on no. 8's privacy. Views would generally be over rooflines and out over the cityscape, with this neighbour well screened by the brick boundary wall and mature trees at ground level.

Other issues and summary

While the development may attract students, as a residential scheme adjacent to a Housing Area, it is not considered that the proposal could be resisted on grounds of noise disturbance. Any anti-social issues would be a matter for the Police. Overall the proposal would accord with UDP Policies H5(a) and (b) and MU11(b) and would not cause serious nuisance or unacceptable living conditions for to existing residents.

The construction works would take place with sensitive, residential uses in close proximity. There is potential for disamenity, due to noise, vibration, dust and light from site security. A Construction Environmental Management Plan (CEMP) would therefore be required by condition prior to the development commencing, covering all phases of any demolition, site clearance, groundworks and construction etc; planning and managing all site activities to prevent nuisance and minimise disamenity at nearby sensitive uses.

Highways

The only access into the site is via Stepney Street, a short side road across the railway cutting with two narrow footways to either side. The tarmac road surface is in a poor state of repair and has worn through to the original cobbles. The end portion of Stepney Street has been stopped up and incorporated into the ownership of the subject site.

Given the development would create 100 no. flats which would be only accessible via Stepney Street, the poor quality of the existing public realm is not considered to offer an acceptable or safe pedestrian approach to the site.

A Traffic Regulation Order (TRO) to upgrade the public highway would be required. Given the majority of movements will be on foot, with only 7 no. disabled parking spaces provided on site, it is considered that a shared pedestrian/vehicle environment should be created on Stepney Street in new block paving for legibility. Parking restrictions would also be required to keep the highway free for emergency or service vehicles. This would ensure safe access to the highway network from the development for vehicles and pedestrians, according with this element of UDP Policy MU11(f).

The requirements of the adjacent business (Planet Garages) for parking and loading from Stepney Street are noted. The parking restrictions proposed would in part address the concerns raised by the adjacent business and maintain access and loading to their site. Although it is appreciated that the TRO would prevent the adjacent business using Stepney Street for parking; Stepney Street is public highway, and restrictions are essential to create a safe access to the development. The neighbouring business has no right over this on-street parking arrangement. The neighbouring site is small and would not have a significant parking requirement, and parking will have to be accommodated within the site or elsewhere within the locality.

The concerns raised by neighbours regarding the lack of dedicated off-street parking are acknowledged, including the increase in on-street parking in the area exacerbating existing pressures following the development. An increased amount of on-site parking would have been preferred, and has been explored; however, considering the viability argument and the need of the developer to secure a certain number of units, the maximum able to be accommodated is 7 no. spaces, which would primarily be dedicated for disabled users.

Consideration must be given to the fact that here is an extant permission in place establishing the principle of a car free development. In this case, the proposal offers proportionally more parking (7 no. spaces for 100 no. units) than the extent permission (2 no. spaces for 62. No units). However, it is also noted that while proportionally more parking would be provided, there would still be an under provision, and given the significant number of additional units, this under provision would likely be exacerbated over and above the existing consent. The Planning Authority therefore share the concerns raised regarding the displacement of parking onto already busy and congested streets.

While the type of accommodation provided (small one-bed flats and studios), would primarily not be desirable to a demographic with significantly high car ownership levels, it is certainly not expected that no residents will have cars, and it is noted that

these vehicles must be parked on-street or elsewhere in the locality. It is the responsibility of car owners to park safely and legally.

The site is in an accessible location, on the edge of the city centre and in proximity to various public transport routes. The provision of cycle storage is made within the site to promote sustainable transport modes, and would be secured by condition. The proposed development is similar in principle to the permitted scheme. As the principle of a car free scheme is established on the site, and the proposed scheme does offer proportionately more parking than the consented scheme, there are no strong justifications for refusal on parking grounds. As such, while more off-street parking would be desirable, on balance it would be unreasonable to resist the application on parking grounds, and the proposal is not considered to fundamentally conflict with the parking requirements of UDP policies H5(c) and MU11(f).

It is noted that vehicle turning has not been shown on the site plan. It is clear cars would be able to turn in the space provided; however, it is not clear whether service (i.e. refuse lorries) or emergency vehicles would be able to turn within the site without appropriate tracking shown. If larger vehicles cannot turn, they may be required to reverse along the full length of Stepney Street. 22m is usually the accepted maximum reversing distance. In this case the distance is approx. 25.5m from the red line boundary to Broad Street, which is a busy main road. While this is not ideal; given the relatively short distance involved (only approx. 3.5m over 22m), this is not considered sufficient grounds for refusal. Vehicles should reverse into the site rather than onto the main road, and the submission of a servicing management plan would be secured by condition to demonstrate the arrangements have been given appropriate consideration.

In an emergency, should a fire appliance need to access the rear of the site, the typical maximum length of a hose is approx. 45 metres. Given the tender could position itself at the top of Stepney Street, with the hose going around the building, this is achievable, and there would also be more remote emergency service access to the south-east of the site possible from Old Street and the rear of the Bard Street flats.

Provision would be made within the site for the storage of bins. A condition would require this provision to be made in order to ensure bins are suitably stored and do not encroach into the site entrance, areas needed for vehicle manoeuvring or the public highway.

There is only a single street light column on Stepney Street, sited towards the junction with Broad Street. This sufficiently illuminates the public realm; however a condition would require details of additional lighting to be provided within the site. This is considered necessary in order to ensure the entrance and forecourt area is appropriately lit and facilitate a safe shared pedestrian and vehicle environment.

The measures and arrangements discussed above would ensure that the proposal would have an acceptable impact on the highway network, in accordance with UDP policy MU11(f). This can be given substantial weight as it is consistent with the NPPF which also promotes sustainable transport, but clarifies in paragraph 109 that development should only be refused on highway grounds if there would be an

unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Given appropriate accessing arrangements and improvements to Stepney Street would be secured and the principle of a car free scheme is established, with the possibility of service vehicles reversing into the site an acceptable fall back in this case, the impacts could not be argued to be unacceptable or severe.

Land quality

Parts of the site have been identified as potentially contaminated land under Part 2A of EPA 1990. Records show that the site has been previously developed and occupied by commercial works and residential uses. There is therefore a high likelihood of made ground being present with contaminants and demolition residue of former uses.

The site lies within a Coal Mining Referral Area / Coal Authority Development High Risk Area. Therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered, and there exists the potential for mines gases to impact upon the proposed development causing risk to human health. Coal mining legacy may also have created land stability issues.

In order to ensure adequate assessment of potential risks to human health arising from ground contamination and ground gases, a the full set of standard Environmental Protection Service land contamination conditions would be applied to any favourable consent to ensure the site is fully investigated, and where necessary remediated, to be suitable for residential use.

In addition, similar conditions would be required to cover the land stability element, as recommended by the Coal Authority.

The above considerations would ensure that the proposal accords with the NPPF paragraph 178, which requires land quality matters to be taken into account in the decision making process, and the site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination.

Flood risk and drainage

The site lies within Flood Zone 1 and therefore does not lie in an area at high likelihood of flooding. However, the proximity to the railway cutting is noted, and Yorkshire Water has raised concern that a public combined sewer is recorded to cross the site, which the development would be situated directly over. This will require diversion / stopping up as part of the development (as was the case with the earlier consent). A condition is recommended requiring details of any alteration/diversion of the sewer.

Conditions would also be attached to ensure no development is commenced until full details of the proposed surface water drainage design have been submitted to and approved by the Local Planning Authority.

The requirement would be the submission of detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event. This would ensure the development has an appropriate flood risk and drainage impact in accordance with Core Strategy CS67, which can be afforded substantial weight as it is in line with the NPPF paragraph 165, which requires major developments to incorporate sustainable drainage systems.

Sustainability

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

Given PV panels are shown on the roof plan, which would be an approved drawing, it is expected that these would form part of the efforts to ensure the building makes the best use of solar energy and produces renewable energy, as required by CS64(b) and (c).

However, as the statement alludes, detailed energy assessments for the development and design proposals are yet to be undertaken. The statement also rules out a connection to the District Heating Network. It is therefore not yet clear how the proposal will accord with Core Strategy Policy CS65 and provide a minimum of 10% of the predicted energy needs from decentralised and renewable or low carbon energy. Full details and suitable alternative proposals would therefore be required by condition.

These Core Strategy policies are consistent with the NPPF, section 14 which requires the planning system to support the transition to a low carbon future in a changing climate, and can therefore be given substantial weight. With the imposition of the proposed condition the development will accord with the policy requirement.

Ecology

The submitted Ecology Appraisal is considered to be satisfactory. The appraisal concludes that the retaining walls around the site have a low-negligible potential for roosting bats, and recommends a single dusk emergence/dawn return survey is carried out. This is considered satisfactory, and would need to be undertaken as part of the conditioned recommendations of the approved Ecology Appraisal. The results of this survey would inform whether any further mitigation measures for bats are required, and as such will need to be reported back to the Local Planning Authority.

Whilst overall 'net loss' of habitat is not substantial on this site, the development should still seek to provide 'net gain' in biodiversity in line with the principles of the NPPF section 15. Regardless of the results of the bat survey, bat boxes should be installed to provide net gain and would be conditioned, as would the recommendations contained within the submitted Ecology Appraisal as minimum

requirements; bird boxes; tree and shrub planting; and a sensitive lighting scheme, in order to ensure the development accords with UDP policy GE11.

Archaeology

Historic mapping shows this part of Stepney Street to have been mainly terraced and court housing prior to the 1940s. This was replaced by post-war housing, which has in turn been demolished. There are therefore no archaeological implications for the development of the site and no archaeological condition is required.

Employment and Skills

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

Community Infrastructure Levy

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

The site lies within the CIL Residential Charging Zone 4 where the development of residential floor space (Use Classes C3 and C4) is liable for CIL payments at £50.00 per m², plus the national All-in Tender Price Index for the calendar year in which planning permission is granted in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

SUMMARY AND RECOMMENDATION

The principle of the proposed residential development on the site is considered acceptable, as this is an area in transition, becoming more residential in character.

The proposals do not accord with Core Strategy Policy CS41(a), and a greater mix of accommodation types would be preferred, given that there is certainly a need for larger homes in this area. The dominance of one-bed units is therefore a negative aspect of the scheme. However, on balance, the viability justification for a high density, one-bed scheme to enable the delivery of this neglected and unused brownfield site to be realised in the build to rent market is accepted.

While the “tilted balance” does not apply, significant weight is still attributed to the wider regeneration benefits of the scheme and realising the site’s contribution to Sheffield’s 5 year housing supply, particularly as the current supply is only just above the 5 year threshold. The scheme accords with the requirements of the NPPF and Core Strategy by utilising previously developed land for new housing and achieving a high density scheme in this sustainable location at the edge of the City Centre. These benefits, on balance, are considered to outweigh the dominance of one-bed units proposed.

While some negative aspects of the design have been identified, it is considered that the scale and massing of the proposal is supportable. The contemporary design approach is appropriate for this edge of centre location. The proposal would improve the physical environment by bringing this derelict, brownfield site back into use and there are other substantially scaled buildings in close proximity.

In most cases the one-bed flats would be around the Nationally Described Technical Space Standard. While a small number of flats would have a limited outlook; daylight levels would remain appropriate given their southern aspect, and this is not a justifiable reason to refuse a scheme of this scale, whereby the vast majority of the 100 no. units would have good outlook.

The impact on neighbouring amenity in terms of overshadowing and privacy has been demonstrated to be acceptable.

Stepney Street would be upgraded as part of the proposals to secure appropriate accessing and a shared pedestrian/vehicle environment. There are concerns regarding the impact on parking in the area, however, as the principle of a car free scheme is established on the site, and the proposed scheme does offer proportionately more parking than the consented scheme, there are no strong justifications for refusal on parking grounds.

While there are a number of negative aspects to the scheme, the need to make the development viable by delivering of a minimum of 100 units is accepted. The site would otherwise continue to lie vacant, and significant weight is given to the regeneration benefits of the scheme and realising the site's housing supply. It is therefore recommended that planning permission be granted subject to the listed conditions.

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Case Number	20/00159/FUL (Formerly PP-08430633)
Application Type	Full Planning Application
Proposal	Erection of ball stop netting to Northern and Southern boundaries of cricket ground (maximum height of 15metres)
Location	Football Pitch Hallam Sports Club Sandygate Road Sheffield S10 5SE
Date Received	16/01/2020
Team	West and North
Applicant/Agent	Mark Beckles Willson
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:

Site Location Plan - Job No: 19001 Dwg No: 100 published 16th January 2020
Proposed Site Plan - Job No: 19001 Dwg No: 101 Rev A published 16th January 2020

Elevations - Job No: 19001 Dwg No: 102 Rev A published 16th January 2020
Elevations - Job No: 19001 Dwg No: 102 Rev B published 28th January 2020
Coal Mining Risk Assessment (ref CAT/GCB/NG/44278-001) published 16th January 2020

Reason: In order to define the permission.

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

3. No development shall commence until further intrusive site investigations have been undertaken to establish the exact coal mining legacy issues on the site and a report explaining the findings has been submitted to and approved in writing by the Local Planning Authority. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

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

4. Prior to the installation of the ball stop fencing/netting full details of the design of the stanchions and the specification of the ball stop netting/fencing shall have been submitted to and approved in writing by the Local Planning Authority. The netting/fencing shall thereafter be installed in accordance with the approved details. The netting shall be removed from September 30th and shall not be re-erected until March 20th each calendar year (outside of the cricket season) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to allow for variations in the timing of the cricket season.

5. Full details of new tree planting on the eastern and western sides of the ball-stop netting to be positioned on the northern boundary line shall be submitted to and approved by the Local Planning Authority before the erection of the support posts. The planting of new trees shall be provided in accordance with the agreed details and shall be planted no later than 28 days following the erection of the support posts.

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

6. The approved landscape works shall be implemented in accordance with the timescale set out in condition 5 above. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

7. The Local Planning Authority shall be notified in writing when the landscape works are completed.

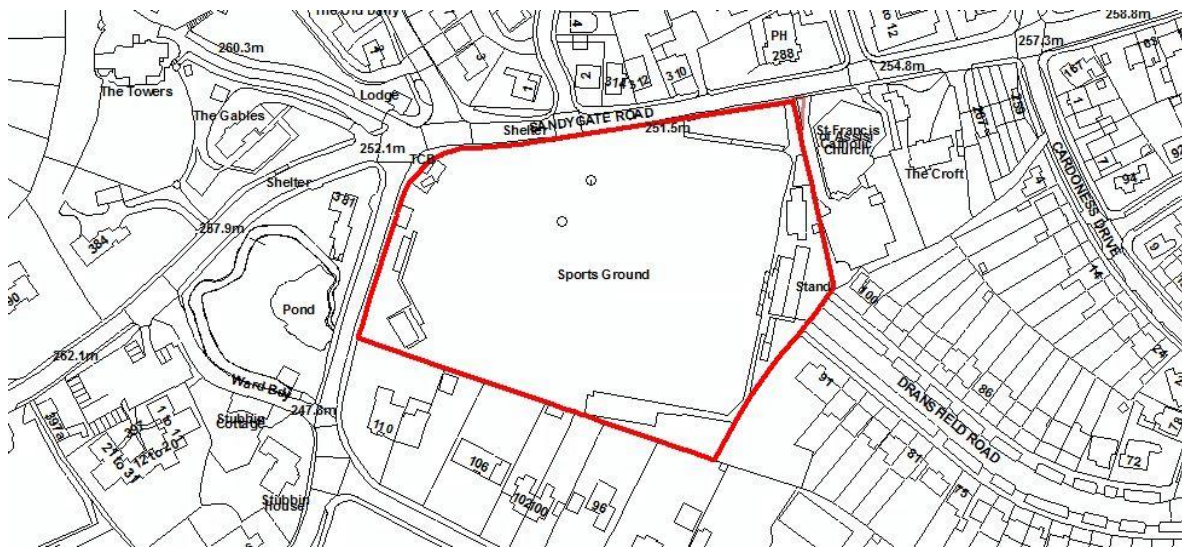
Reason: To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

Other Compliance Conditions

Attention is Drawn to the Following Directives:

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

Site Location



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LOCATION

The application site is Hallam Cricket Club situated at the Sandygate Sports Ground.

Hallam Cricket Club was founded in 1804 and is the oldest cricket ground in Sheffield and one of the oldest in Yorkshire. It has played at the Sandygate ground since its foundation. The ground is also the oldest football ground in the world, home to Hallam Football Club - the second oldest football club in the world.

According to the applicant's submission, Hallam Cricket Club currently has 350 members, more than 250 of whom are children, and runs a full programme of summer and winter training and matches. It currently has seven adult teams and 15 junior teams playing in local leagues as well as organising a wide range of non-competitive cricket based and community activities.

The site is within the middle of an established residential area, however the site is designated as an Open Space Area as defined by the Sheffield Unitary Development Plan.

The back gardens of housing fronting Ivy Park Road are located along the southern boundary. Carsick Hill Road lies to the west and Sandygate Road to the north with housing on the other side of those respective roads. The site falls from the Northern boundary to the south by approximately 4 m across the site.

The site is located immediately adjacent to the Ranmoor Conservation Area which lies to the south, commencing on Ivy Park Road. There are also two Grade II Listed Buildings known as The Lodge and The Towers which are located to the north-west of the site on the corner of Sandygate Road and Coldwell Lane. The Lodge is the most visible of these from the application site.

PROPOSAL

Planning permission is sought for the erection of ball-stop netting to the northern and southern boundaries of the cricket ground to a maximum height of 15 metres.

The submitted site plan shows that the ball-stop netting along the Sandygate Road frontage (North boundary) is to span a length of 87 metres, with a section comprising a height of 15m, two sections of 12m high netting and a one section being 8 metres high. The southern boundary adjoining the rear boundaries of housing fronting Ivy Park Road is shown to have a span of 95 metres, with netting of 15metres high, a section at 13metres high and two sections of 7metre high netting.

The netting along the northern boundary would include 7 posts to hold the netting, with the southern boundary having 8 posts.

The submission states that in 2017 the first XI was promoted to the southern section of the Yorkshire League which is an ECB Premier League, the highest level of club cricket in the County. Games in this league were played at the historic Sandygate ground for two seasons but balls were being hit out of the ground on an increasingly regular basis and the Club has become concerned about the safety of playing this

level of cricket at a ground with such short boundaries. Cricket has evolved over the last decade and as a result of both technical advances in bat manufacture and the influence of T20 cricket which is very much focussed on big hitting, the ball is being hit harder and further than ever before, particularly at Premier League level.

In late 2018 the Club approached the ECB (England and Wales Cricket Board, the game's governing body) for advice on this issue and the ECB recommended Labosport, a sports consultant in Nottingham.

The Club subsequently commissioned a risk assessment report on the safety of the ground from Labosport which recommended the installation of ball-stop netting.

As an initial risk mitigation measure, the Club moved first and second team games to its Crimicar Lane ground for the 2019 season. The submission states that Crimicar Lane was restored to Premier League standards in 2009 and has significantly longer boundaries and ball-stop netting on the northern edge of the ground. Third and fourth team games were moved to Sandygate Road. These two teams play "Community" level cricket where it is recognised that the ball is generally not hit as hard or as far.

The Club also commissioned an updated report from Labosport based on "Community" level being played at Sandygate and play being limited to the more central area of the cricket square. This revised report gave data on predicted trajectories of balls hit at this level of cricket and this was used to develop a practical solution (i.e. ball-stop netting) which would allow adult cricket to be played more safely at Sandygate in future.

PLANNING HISTORY

19/04172/TEL - Erection of 20m monopole and associated equipment cabinets (Application for determination if approval required for siting and appearance) – Refused

This prior approval application is currently subject of an appeal.

SUMMARY OF REPRESENTATIONS

A site notice was posted on 7th February 2020 with an expiry date for comments of 3rd March 2020.

Olivia Blake MP for Sheffield Hallam has objected on the following grounds:

- 15m high netting would be unsightly and overbearing.
- It would affect visual amenity including two Grade II listed buildings and the Ranmoor Conservation Area.
- Poles at 32cm diameter would be out of character with existing street furniture.
- The quality of Sport England's consultation features inaccuracies, as raised by a constituent.

Cllr Anne Murphy has objected on the following grounds:

- The 15 metre height is equivalent to a four to five storey building.
- Netting would be within 13 metres of properties therefore being excessively overbearing.
- Posts and netting will resemble a prison.
- Within 25 metres of Grade II Listed The Lodge and The Towers.
- Cause harm to nearby Ranmoor Conservation Area.
- Question why retractable posts cannot be used.
- Planning Officers deemed a 15m monopole unacceptable.
- Concerns relating to bats and birds.
- Veteran sycamore tree would be lost.
- Understands the benefits of reducing risk, but the scheme will not stop many of the balls.
- Sensible approach to move senior cricket to Crimicar Lane.

26 letters of objections have been received from local residents.

The objections are summarised below:

Material Planning Considerations

Need

- Support the measures for safety and property outside ground and for cricket to continue, but cannot rationalise the Labosport findings with the proposed netting.
- The nets at 15 metres high do not comply with the Labosport report's recommendations therefore there would be loss of amenity (views) for an insufficient reduction of risk.
- High risk of balls being hit over the netting due to height not complying with Labosport report.
- Reduction of ball strike risk would not be to an acceptable level.
- Netting excessive and overreaction in relation to risk.
- A number of neighbours (both on Ivy Park Rd and Sandygate) state they have never had issues with cricket balls from the club.
- Road signage warning of risks to motorists and pedestrians would be better.
- Lack of transparency in Labosport Report – calculations to model ball trajectories have not been provided for scrutiny.
- Distances within Labosport Report are estimates, which are worthless without practical validation.
- Labosport Report only assess northern boundary, but scheme includes same netting height.
- Other solutions not explored, such as levelling wicket area, reorienting wickets or using equipment to de-power shots.
- Community cricket could be relocated to Crimicar Lane, whilst maintaining junior cricket at Sandygate.
- Local resident (Ivy Park Rd) has experienced some balls entering garden, but not resulting in injury or property damage – prepared to continue to put up with risk of ball incursions.

- Ball-stop netting will not define whether HCC continues to operate – Crimicar Lane can be used for senior teams, with junior cricket at Sandygate Road.
- If there are concerns about safety, the club would have acted sooner.
- If recent incident (pedestrian being hit) was catalyst the club should have stopped playing, but continued with known risk. Therefore can continue to play without netting needed.
- International and ex county cricket players have played at ground without netting on the ground – no one can hit harder and further than such players.
- Benefits only seen by small minority of community – cricketers.
- Proposal not in line with Sport England Guidance on pitch sizes.
- Should be for retractable poles and temporary netting.
- As scheme does not conform to Labosport Report, applicant and Council must be legally responsible for any balls that would come over 15 metre high netting.
- Labosport Report states that 15 metre would not reduce the risk to an acceptable level.
- The size of the cricket pitch does not comply with Sports England guidance for professional cricket.
- By accepting the proposal, the Council would themselves become legally responsible for their failure to adequately protect pedestrians, vehicles and residents in line with the specialist report.
- The sensible approach would be to move senior cricket to Crimicar Lane.

Appearance & Heritage Assets

- 15 metre high poles and netting will have substantial visual impact.
- Impact on nearby Conservation Area.
- A telecommunication monopole was refused opposite the site, current proposal will have more impact than that.
- Impact on The Towers and The Lodge which are Grade II listed.
- Loss of trees which contribute to environment.
- Eyesore and unsightly in picturesque residential suburb.
- Structure would be similar height to nearby trees.
- Visual monstrosity – 15 metres is equivalent to a four-storey building.
- Netting will appear as a prison.
- Netting 3 x times height of coach house within garden on Ivy Park Rd.
- The poles at the diameter shown would be out of character with street furniture.
- Would not comply with CS Policy CS74, UDP Policy BE5 or Chapter 12 of the NPPF.
- Would result in 'less than substantial harm' set against para 196 of the NPPF.
- The safety benefits of scheme vastly exaggerated, therefore public benefits are non-existent and do not outweigh harm that would be caused.
- Vertical poles out of character with local area which is picturesque.
- Resident references a Zone of Theoretical Visibility (ZTV) to assess visibility of a development.
- Details submitted indicating visual receptors who might be able to see the development - 454 residential properties within 300m of the proposal fall within the ZTV.

- Best case scenario 444 residential properties would be able to see the proposal within 300m. – demonstrates the visual impact.

Ecology

- Bat survey required. Impact on access to their feeding areas.
- Potential impact to wild birds such as Owls, potentially injuring or killing any caught in net.
- Impact on veteran tree.

Residential Amenity

- Noise nuisance from netting due to windy, exposed location.
- Noise already generated from floodlight cables, additional steel poles with ropes and pulleys will generate noise.
- Noise was not considered at HCC public meeting.
- Reduction of light into gardens of Ivy Park Rd.
- Netting not to be lowered after games, reducing outlook during the summer time for Ivy Park Rd residents. Poles are to be up all year, impacting outlook through out the year.
- The nets would block sun every morning to houses on Sandygate Grange Drive.
- Garden of 106 Ivy Park would have entire 15 metre netting on back boundary; worsened by drop in level of garden of approx. 1.5 metres. (16.5 metre height relative to 106).
- Nets and posts would be overbearing, the height being equivalent to a four/five storey building.
- The proposal would be overly intrusive to a nearby neighbour and is likely to pass the Residential Visual Amenity Threshold test.

Highways concerns

- The junction is notorious for heavy traffic, the scheme has potential to deflect drivers' attention from driving.

Other concerns

- Benefits do not outweigh the negatives of the proposal.
- ECB are funding the proposal and other projects for club – maybe funding dependent on netting.
- A number of neighbours acknowledge the club's position; however they do not think benefits outweigh the harm.
- Tree survey not submitted.
- Risk to veteran Sycamore tree in north-western corner which should be protected as is important landscape feature.
- It is world's oldest football pitch.
- Planning Officers found a telecommunications mast of 15 metres in height proposed nearby to be unacceptable.

- The floodlights are shown as 17 metres on the elevations, whereas they are approx. 15.8 metres. The Telecommunications application mentioned them to be 15 metres.
- Why is the western boundary not being protected?
- Sport England's consultation is inaccurate, as it assumes the proposal is in accordance with the Labosport Report when it is not.
- ECB comments are not neutral as they are funding the proposal.

Non-material Planning Considerations

- A shadow-tracking study carried out indicating posts and nets will reduce power output from PV panels on house opposite site.
- Loss of views over Mayfield Valley and to Ringinglow from neighbouring residences.
- Impact on desirability and values of houses.
- No information regarding maintenance of netting.

PLANNING ASSESSMENT

National Planning Policy Framework (NPPF)

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

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

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

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

USE

Paragraph 97 of the NPPF also states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

UDP Policies LR4 and LR5 seek to protect Open Space Areas. Core Strategy Policy CS47 seeks to safeguard open space.

The local plan policies broadly align with paragraph 97 of the NPPF.

The applicant has submitted a Boundary Risk Assessment Technical Report undertaken by Labosport in support of the proposal. The findings of the report confirm there is a need for ball-stop netting on the site.

It can be argued that ball-stop netting is reflective of the current use of the site, however assessment has to consider whether the proposal is a proportionate response to the risk involved. Consideration is also necessary in terms of the potential visual impact the ball-stop netting will have upon the local area.

The applicant's Boundary Risk Assessment is a desk-top study which uses modelling to assess the risk of cricket balls being hit over the boundary of the cricket field to surrounding areas. It assesses the site and distances to ascertain the risk of balls landing in adjacent areas. The wickets are orientated in an East to West direction. The cricket club have informed Labosport that an increasing number of balls have surpassed the Northern boundary adjacent Sandygate Road, which is a busy road with a bus route. The northern boundary has the shortest distance from the edge of the wicket. This risk assessment therefore focused on the Northern orientation.

The report assessed the following scenarios and provided recommendations for each:

- The club relocate their 1st and 2nd teams meaning only community and junior level cricket will be played
- The clubs 1st and 2nd teams used the cricket square in full
- Restrict 'professional' level cricket to the 5 central strips

Whilst the cricket square from where balls are hit is located centrally within the cricket field, the distances from it to the boundaries vary due to the irregular shape of the site. The focus of the boundary assessment was based on the shortest distances from the edge of the cricket square to the boundary and hence worst case scenario.

In respect of the northern boundary adjoining Sandygate Road, the report notes that the distance from the nearest edge of the cricket square to the boundary is 32 metres at the shortest distance (community level cricket) and 38 metres (professional cricket to the 5 central wickets). At these shortest distances, the report concludes that for community level cricket a 19 metre high net will not stop all shots but it would significantly reduce their frequency of exceeding the boundary. In order

to almost completely remove risk, a 25 metre high net would be required which is unlikely to be practical or proportionate as mentioned within the report.

Professional level cricket would require nets of at least 24 metres in height to reduce risk, but would require 30 metre high nets to almost completely remove the risk. This is accounting for a 32 metre boundary distance.

Limiting play to the central 5 wickets for professional players would require nets of 25 metres high to stop all but the fastest shots. In order to almost completely remove risk, a 32 metre high net would be required. Again the report states that in both of these instances, the height of the net is unlikely to be practical or proportionate.

Following the findings of the Boundary Risk Assessment, the Club has used those findings as a basis to create a proportionate response to the risk. The current proposal is based on limiting adult cricket to the central six wickets of the 13 available at Sandygate in order to maximise boundary size and contain the requirement for ball stop netting within reasonable bounds. Netting is to be provided along both northern and southern boundaries at varying heights based on the trajectory predictions in the Labosport report. The maximum height of netting would be 15 metres.

The netting proposed is 50mm high density polypropylene attached by a pulley system to tubular steel posts, 323mm diameter, finished in green

Sport England has advised that they have no objection to the application and have also sought the views of the England Cricket Board (ECB) on this proposal. The ECB has commented with the following:

The proposed ball stop mitigation is fit for purpose and ECB is fully supportive of the proposal where Hallam CC is responding to a ball strike incident.

The proposal aligns to the findings of a Labosport UK ball strike risk assessment referenced LSUK.18-0768.

The Yorkshire Cricket Board's (YCB) Head of Region (South) states:

"I have been working with Hallam CC for 12 years. During this time the Club has seen tremendous growth and is now one of the leading strategic development Clubs in Yorkshire.

The Club boasts 202 All Starts Cricketers (age 5-8), which is the national entry to Cricket level program, this being highest number of All Stars participants in England and Wales.

The Club also have 15 Junior sides; U9s to U17s, 5 Senior sides, 2 Mid-week teams, a Women's Softball side and host Visually Impaired and Physical and Learning Disability matches for the Yorkshire VI Kings and the Yorkshire Terriers.

The issue with ball strike has caused the club significant issues; the Club want to offer the safest community cricket programs they can, for their community. Hallam CC is an absolute pleasure to work with and is a beacon to all other Clubs.

The YCB values this relationship greatly and Hallam are a critical Club in driving the game forward and inspiring the next generation to choose cricket as their life long sport.”

It can be accepted that the Cricket Club has a duty of care for persons and property where the risk of ball strike is foreseeable. The height of the netting is informed by the risk assessment to provide a practical solution to lowering risk to neighbours and members of the public to a proportionate level (elimination of risk altogether would require much higher netting but this would not be practicable or proportionate, a permanent solution is however necessary).

Discussions have taken place as to whether retractable or demountable netting can be proposed to limit the potential impact upon the appearance of the street scene, so that netting is only in place during cricket matches.

The Club has contacted a manufacturer who has provided reasons as to why retractable and/or demountable netting is not viable. This is due in part to the height of the proposal, wind loading, and the consequential necessity for permanent durable supports.

The comments provided by the manufacturer would suggest that demountable netting is not viable in this instance. The Club has however agreed to remove the netting outside the cricket season, although the posts would remain in situ. A condition could be imposed to secure this.

Local residents have stated that re-orientating the wickets has not been considered. Although noted, re-orientating the wickets would not remove the ball-strike risk to the northern boundary. There is ball-strike risk for on all boundaries at present, however the northern boundary is at most risk due to the short distance. The proposed scheme is a response to this issue and it is noted that the number of wickets to be used has been reduced to the central 6 wickets.

The proposed development is for ancillary facilities supporting the principle use of the site as a playing field and would not harm the character of the Open Space Area as it would be reflective of the use of the site, nor would the scheme adversely affect the quantity or quality of the playing field. However, further assessment is required in terms of the potential impact of the netting upon the appearance of the street scene.

The proposal complies with UDP Policies LR4 and LR5, Core Strategy Policy CS47, and the Government’s planning policy guidance contained in the NPPF.

DESIGN, APPEARANCE & IMPACT ON HERITAGE ASSETS

Paragraph 124 of the NPPF identifies that good design is a key aspect of sustainable development. Paragraph 127 sets out a series of expectations including ensuring

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

UDP policies BE5 and Core Strategy Policy CS74 seeks to achieve good design. The site is surrounding by an established housing area and therefore UDP Policy H14 is also applicable in terms of design. The aims of these policies are consistent with the principles of Paragraphs 124, 127 and 130 of the NPPF.

The netting along the northern boundary facing Sandygate Road would have the greatest visual impact. The netting along the southern boundary would not be significantly visible from wider view, although due to the height at a maximum of 15 metres, it might be visible in glimpsed views from Carsick Hill Road.

Consideration is given to the fact that there is currently a small section of fencing that fronts Sandygate Road adjacent to the football pitch, however this is at a significantly lower height than the proposed netting. The significant height of the ball-stop netting at a maximum height of 15 metres, running a span of 87 metres along Sandygate Road will have a prominent appearance from the street and it cannot be considered that such netting could be considered to contribute visually to the local area. It is however appreciated that the netting is reflective of the use of the site and the applicant has provided reasons as to why such netting is required. There would ultimately be benefits of the proposal in terms of safety for both neighbours and pedestrians walking past, in addition to reducing general disturbance caused from cricket balls being hit over the site boundary. A number of local residents have stated that they have not experienced any issues with cricket balls, whereas some state that they have but are happy to live adjacent knowing full well of the risk of ball-strikes.

The netting would run parallel to Sandygate Road and therefore it would be most prominent when traversing up Sandygate Grange Drive opposite, or when approaching the junction of Coldwell Lane with Sandygate Road. When traversing in a westerly or easterly direction the netting would not be significantly prominent as it would sit parallel to the street, although this is not to say it would not be visible. The applicant has stated that they are agreeable to planting additional trees on both the eastern and western corners of the proposed netting facing Sandygate Road. Whilst new trees would not completely screen the netting, it would help in reducing the visual impact when traversing westerly and easterly along Sandygate Road. New tree planting can be secured by condition.

The Club has agreed to remove the netting outside the cricket season which will reduce the visual impact to the street scene. The posts would however remain in situ and visible throughout the year. It is however acknowledged that there are floodlights on the site which are taller and wider than the proposed poles. The posts would not appear dissimilar to the floodlights or nearby street lighting columns. The applicant has explored the possibility of having posts that are demountable, however it is not considered viable.

A local resident has rightly mentioned that a telecommunications mast was refused prior approval only last year and that the proposed netting would have a greater impact than the mast. This is acknowledged, however it was concluded that the mast could be positioned in an alternative, less prominent and intrusive position, whereas the proposed nets under this application are specifically proposed in connection with the established use of the site, of which is a historic cricket club.

Without the introduction of the netting, the Club states that adult cricket cannot be played at Sandygate Road due to the risk of ball-strike to pedestrians and neighbouring property. Whilst it is noted that the netting will not prevent all balls from exceeding the cricket ground, the scheme aims to provide a proportionate response to reduce such risk. The Club has also mentioned that first and second teams play at the Cricicar Lane ground and there is no capacity for the third and fourth (community level) teams to play there and therefore these two teams would cease to run. In light of this, weight has to be given to the benefits of introducing the proposed netting, which will ultimately support the viability of adult cricket at what is a historic club which serves a significant portion of the wider sporting community.

Whilst the site does not fall within a conservation area it does adjoin the Ranmoor Conservation Area which is located to the south on Ivy Park Road. There is also a Grade II Listed Building known as The Lodge which is located to the north-west of the site on the corner of Sandygate Road and Coldwell Lane. Assessment of the proposal is needed in respect of these heritage assets.

UDP Policy BE19 identifies that development is expected to preserve the character and appearance of a listed building and its setting. UDP Policy BE16 seeks to preserve or enhance conservation areas. This policy aligns with the following guidance in the NPPF.

The NPPF seeks to protect heritage assets from unacceptable harm (paragraph 190 NPPF). Paragraphs 193 to 196 of the NPPF identify how the effects and impacts on heritage assets should be considered. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

It goes on to say that any harm to the significance of a heritage asset requires 'clear and convincing justification', that substantial harm to Grade II listed buildings should be exceptional (paragraph 194); and that, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal' (paragraph 196).

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

With reference to paragraphs 193 to 196, consideration has to be given to the impact upon the setting of the heritage assets – The Grade II Listed building known as The Lodge and the adjacent Ranmoor Conservation Area.

The nearest part of the net would be approximately 24 metres from the front elevation of The Lodge. It is not considered that the proposal would harm the setting of The Lodge due to both the separation distance and the fact that the netting would not restrict or interfere with views of this attractive listed building. It is considered that the netting would lead to less than substantial harm upon the listed building.

The netting proposed on the southern boundary line would immediately abut the Ranmoor Conservation Area. This netting would not be significantly visible from wider public view, although it may offer glimpsed views due to the height of 15 metres. Nevertheless the position of the netting in such close proximity to the Ranmoor Conservation Area is considered to amount to substantial harm.

In any instance, netting at a height of 15 metres is not going to provide any visual benefits. Consideration should be given to the proposed need for the installation of the ball-stop netting as discussed within this report. Without the proposed netting, it is understood that adult cricket will cease to occur at Sandygate Road. The Cricket Club is historic and is a significant part of the Sheffield sporting community. Weight therefore has to be given to this benefit. Consequently it is considered that the proposed need and benefits would outweigh the harm that the netting would have on the setting of the Grade II Listed Building, the conservation area and also the street scene.

The proposal is not considered compliant with UDP Policies BE5, BE16 and BE19, nor Core Strategy Policy CS74, however it is considered that the proposal would be compliant with the NPPF as the benefits of the scheme are considered to outweigh the visual harm provided by the proposal.

RESIDENTIAL AMENITY

Although the site is within an Open Space policy area, it is surrounded by an established housing area and therefore UDP Policy H14 is relevant.

Policy H14(c) states that in Housing Areas, development will be permitted provided that the site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

The above policy closely aligns with the aims of Paragraph 123 c) and 127 (f) of the NPPF and therefore weight is given to the aims of H14 as well as the NPPF.

The proposal will ultimately provide benefits for neighbouring occupiers in preventing the likelihood of cricket balls being hit into their grounds, although it will not completely remove this risk.

The proposal would be separated by the highway from those houses on the opposite side of Sandygate Road. Although clearly visible to those occupants it is not

considered that the netting or posts would overbear or overshadow these neighbouring houses. The netting would consist of fine-gauge netting that would allow light through. The posts are not dissimilar to street lighting columns and therefore cannot be considered to cause harm to neighbouring living conditions.

Although the netting on the southern boundary would be positioned up close to the boundary line with gardens, it is not considered that the netting would cause such harm that it would affect their living conditions to a detrimental level. Outlook would be affected to some degree, however views would still be afforded through the netting. It is accepted that the height of the posts is substantial, however they are spaced apart and it is not considered that these would be significantly harmful. It is therefore not considered the proposal justifies a refusal based upon impact on neighbours living conditions.

For the reasons above, the proposal is not considered to cause undue harm to neighbouring living conditions and is considered to accord with UDP Policy H14 (c) and the aims of the NPPF.

TREES

Policy BE6 states that good landscape design will be required in all new developments. This policy is consistent with Paragraph 127 b) of the NPPF.

The proposal includes the removal of three trees on the northern boundary and pruning work to some of the trees at the north-western corner of the site. Three new trees are to be planted in the area between the scorebox and the groundsman's storage containers and in the area of the existing pavilion. The club has also agreed to plant trees on the eastern side of the netting. A condition is recommended to secure details of the tree planting and to ensure they are planted prior to any netting being installed.

The submitted plan shows that the netting will be very close to the trees within the north-western corner of the site. Although the submitted plans shows the retention of these trees, the construction of the support posts will likely mean that at least one of the trees within the corner will have to be removed. This is not ideal, as the loss of this tree would have some visual impact when viewing the site from Sandygate Road when approaching from the west and from the approach to the site from Coldwell Lane. It would also mean the proposed netting would be more prominent as a consequence. The trees impacted are read as part of a large group in views from the east and the loss of one, or perhaps two of these trees is not considered significant from this view point.

In mitigation, the club has agreed to plant new trees and therefore the aforementioned condition can secure appropriate replacement and/or additional tree planting in this location. The replacement planting will not immediately resolve the visual impact of losing the tree but over time this will provide suitable replacement and in general the new planting will aid in reducing the impact of the netting.

In this context the proposals are considered acceptable in respect of policy BE6 and paragraph 127 of the NPPF.

ECOLOGY

Paragraph 170 a) and d) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, minimise impacts on and provide net gains in biodiversity.

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

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

Concerns have been raised by local residents that birds and bats could become entangled in the proposed ball stop netting.

Advice from the Council's Ecology Unit states that such occurrence is likely to be very rare. The netting is to consist of a 50mm high density polypropylene net. This finer mesh netting will reduce the chance of birds of all sizes from becoming entangled in the netting and conditions will be attached to secure an appropriate specification to minimise risks. The netting is also only to be in place during the cricket season and would thereafter be removed, further reducing the potential for birds to become entangled.

With respect to bats, the Ecology Unit state that the netting should not pose a problem to them as their echolocation would sense an obstacle in their path and they would avoid it.

In terms of biodiversity enhancements, the scheme is to include new tree planting which will provide a small net gain in biodiversity by providing possible nesting opportunities for birds. There is little opportunity for further biodiversity enhancements to be secured in this instance.

The proposal is therefore considered compliant with UDP Policy GE11 and the aims of the NPPF.

HIGHWAYS

Development should ensure highway safety as required by paragraph 108 of the NPPF. Paragraph 109 of the NPPF further states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The ball stop netting is unlikely to affect visibility on the highway as it is to run parallel with Sandygate Road; however it will have a safety benefit in terms of preventing balls being hit onto the highway.

It is therefore considered that this complies with the aims of the above NPPF paragraphs.

COAL MINING

Part of the site is located within a Coal Mining Referral Area. A Coal Mining Risk Assessment has been submitted in support of the application. The report concludes that intrusive investigations are required before development is commenced. This can be secured by condition.

SUMMARY AND RECOMMENDATION

The application site relates to Hallam Cricket Club which was founded in 1804 and is the oldest cricket ground in Sheffield and one of the oldest in Yorkshire. The UDP Proposals Map identifies the site as being within an Open Space Area.

The Cricket Club states that balls have been hit out of the ground on an increasingly regular basis and the Club has become concerned about the safety of playing both professional level and community level cricket at a ground with such short boundaries. The Club has moved their first and second teams to their Crimicar Lane ground to limit the occurrence of balls being hit out of the ground, however they wish to retain their remaining adult teams at Sandygate Road.

Planning permission is sought for the erection of ball-stop netting to the northern and southern boundaries of the cricket ground to a maximum height of 15 metres.

15 metres is less than the recommended height for community level cricket recommended in the Labosport Report, however the Club intends to limit cricket to the central 6 wickets and the 15 metres is considered a proportionate response to the risk with consideration also given to the appearance upon the street. Any higher netting is considered to exacerbate the visual impact. The Club therefore proposes netting to a maximum of 15 metres in height as a means to reduce the risk of ball-strikes (although it will not completely remove this risk) with consideration given to the appearance upon the street scene.

In this instance the proposed development is for ancillary facilities supporting the principle use of the site as a playing field and is not considered to harm the character of the Open Space Area as ball-stop netting is reflective of the use of the site, nor would the proposal adversely affect the quantity or quality of the playing field.

There are no objections from Sport England and the English & Wales Cricket Board are supportive of the scheme.

It is acknowledged that ball-stop netting at a height of 15 metres is not going to provide any visual benefits to the street scene or local area, however consideration

has been given to the need for the netting and the benefits of continued adult cricket at this historic ground. The Club has explored the possibility of having retractable or demountable netting, however a manufacturer states that it is not practical or viable due in part to the significant height of the netting. The Club acknowledge the potential visual impact of the netting and therefore have agreed to introduce new tree planting on the eastern and western ends of the netting fronting Sandygate Road and to remove the netting outside of the cricket season (the posts would remain in situ all year round).

Without the proposed netting, it is understood that adult cricket will cease to occur at Sandygate Road due to the ball-strike risk. The Club has confirmed that there is not capacity at their Crimicar Lane site and therefore their third and fourth teams would not be able to play. The Cricket Club is historic and is a significant part of the Sheffield sporting community. Significant weight therefore has to be given to this benefit, as it would mean the loss of adult cricket from this historic ground. Consequently it is considered that the proposed benefits of installing the netting would outweigh the harm that the netting would have on the street scene and the less than substantial harm it would have on the setting of the nearby Grade II Listed Building (The Lodge) and the Ranmoor Conservation Area.

It is not considered that the netting would provide unacceptable harm to the living conditions of the residents of neighbouring properties.

There are no highway implications to this proposal.

The proposal is considered to comply with UDP Policies LR4 and LR5, Core Strategy Policy CS47, and the Government's planning policy guidance contained in the NPPF.

It is therefore recommended that planning permission is granted subject to conditions securing the removal of the netting outside of the cricket season (posts would remain) and to secure the planting of new trees.

Case Number	19/02912/OUT (Formerly PP-08053820)
Application Type	Outline Planning Application
Proposal	Outline application (Approval sought for access only, with all other matters reserved) - Infill of the site for residential development (up to 9 no. dwellings)
Location	Land Within The Curtilage Of Ingfield House 11 Bocking Hill Sheffield S36 2AL
Date Received	06/08/2019
Team	West and North
Applicant/Agent	Crowley Associates
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 (i) appearance, (ii) landscape, (iii) layout and (iv) scale (matters reserved by this 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 no. A-PL-001 'Location Plan' published on 06.08.2019.
The access detail shown on Drawing no. A-PL-002 Rev D 'Proposed Site Plan' excluding the illustrative details of site layout published on 27.05.2020

Reason: In order to define the permission.

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

5. Prior to the submission of any reserved matters application, an archaeological evaluation of the application area will be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ shall be submitted to and approved in writing by the Local Planning Authority.

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

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

6. No development shall commence unless the intrusive site investigation works described in Section 5.00 (paragraphs 5.01 and 5.02) of the Mining Risk Assessment 'MR M Brearley, Ingfield House, Stocksbridge' dated May 2018 produced by Hadfield Cawkwell Davidson have been carried out as recommended to establish the exact coal mining legacy issues on the site and a report of the findings arising from the intrusive site investigations has been submitted to and approved in writing by the Local Planning Authority. Where the investigations indicate that remedial works are required, a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority before development commences and thereafter the remedial works shall be carried out in accordance with the approved details.

Reason: To ensure the site is safe for the development to proceed and for the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

7. Before development commences details of measures to promote, and achieve a net gain, in biodiversity within the site shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall include the recommendations contained in Section 4 (paragraphs 4.1, 4.2 and 4.4) of the Preliminary Ecological Appraisal dated October 2018 prepared by Weddle Landscape Design. Thereafter the approved measures shall be implemented and maintained in accordance with the approved details.

Reason: in the interests of biodiversity.

8. No development shall commence until the measures to protect the existing trees to be retained have been implemented in accordance with the details shown on the Tree Protection Plan (drawing no. 732-IFH 04). Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

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

9. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

10. The development shall not be used unless a sight line of 2.4 metres x 43 metres has been provided. When such sight line has been provided, thereafter the sight line shall be retained and no obstruction to the sight line shall be allowed within the sight line above a height of 1 metre.

Reason: In the interests of the safety of road users it is essential for these works to have been carried out before the use commences.

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.

Other Compliance Conditions

12. The gradient of the shared pedestrian/vehicle access shall not exceed 1:20 for the first 5 metres from the highway and thereafter the gradient of the shared pedestrian/vehicle access shall not exceed 1:12.

Reason: In the interests of the safety of road users.

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

Reason: To ensure satisfactory drainage arrangements.

14. No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage arrangements.

15. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

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

16. Notwithstanding the indication given on the submitted plans, the details of appearance, landscaping, layout and scale are not approved.

Reason: For the avoidance of doubt.

Attention is Drawn to the Following Directives:

1. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
2. 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
3. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:
 - Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
 - A communications strategy for principal sensitive parties close to the site.
 - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
 - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - Vibration.
 - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.

- A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at eps.commercial@sheffield.gov.uk.

4. The applicant is advised that Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

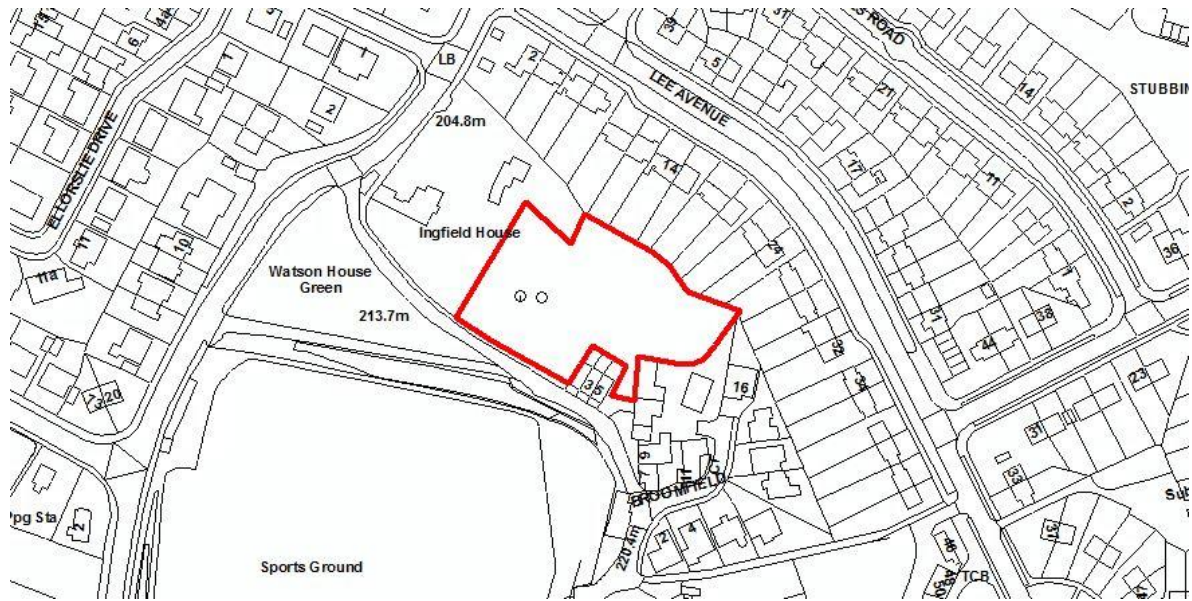
As the proposal site is currently undeveloped no positive surface water is known to have previously discharged to the public sewer network. As such the public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to the public surface water sewer at a restricted discharge rate of 3 l/s (three) litres per second.

5. 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.
6. 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.

7. 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

The site comprises approximately 0.36 hectares of land currently forming part of the garden to Infield House, a large detached dwelling on the corner of Bocking Hill and Broomfield Road.

The site has a frontage to Broomfield Road to the south and adjoins the side and rear gardens of houses off Broomfield Road, Broomfield Court, Lee Avenue and Bocking Hill. An open space (known as Watson House Green) and the Stocksbridge sports ground are opposite the site. The sports ground is on the higher ground level to the south of Broomfield Road.

The site is on the north facing side of the valley, with the ground levels generally falling from south to north. A low stone wall runs along the Broomfield Road frontage.

There are trees along the north and east boundaries of the site and one tree on the frontage in the southwest corner of the site.

A building on the adjoining land, in the garden of no.17 Broomfield Court immediately to the southeast of the site, is a grade 2 listed building.

PROPOSAL

This application seeks outline planning permission for the erection of up to 9 dwellings on the site. Access to the site off Broomfield Road is included for approval at this outline stage. The other matters of appearance, landscaping, layout and scale are reserved for subsequent approval.

The applicant has submitted a Design and Access Statement, a Planning Statement, a Mining Risk Assessment, a Preliminary Ecological Appraisal, a Tree Survey and tree constraints/protection plans, a proposed site plan which includes illustrative details of layout, and illustrative sketch visuals of the proposal.

The illustrative detail on the proposed site plan has been amended since its original submission to revise the illustrative layout adjusting the position of plot 7 and introducing a stone wall towards the eastern end of the site to increase separation from the listed building, and showing increased parking and bin collection areas.

RELEVANT PLANNING HISTORY

In 1982 outline planning permission was granted for the erection of 9 dwellinghouses and 1 bungalow on the site of Infield House and its garden (application no. 81/2090P refers). No subsequent reserved matters were submitted and this application subsequently lapsed.

In 1986 full planning permission was granted for the erection of a house within the curtilage of Infield House (application no. 86/1034P refers). This dwelling has

since been built (no. 15 Bocking Hill) and is immediately to the northeast of Ingfield House.

In 1987 planning permission was granted for alterations to Ingfield House to form 3 flats (application no. 87/1349P refers).

SUMMARY OF REPRESENTATIONS

This application has been publicised by the display of site notices, newspaper advert and notification letters to the occupiers of nearby houses.

21 representations of objection have been received relating to the following matters:

Policy:

- Contravenes CS26 and CS33 the site is green belt and the Local Plan precludes development in Stocksbridge on previously undeveloped land, the Local Plan for Sheffield is shortly due for publication therefore the outline plan should be deferred until the Local Plan is completed, why can't the Council promote for sale areas of suitable brownfield land for residential development;

Traffic and parking:

- Broomfield Road is very narrow in places, has several bends and blind corners, Broomfield Road towards Watson House Green is already at dangerous levels of parking causing difficulty for other vehicles to pass safely, used as overspill parking for Broomfield Road Broomfield Court and Horsley Croft and events at Bracken Moor football club, risk is heightened in winter;
- Broomfield Road would not be able to accommodate the amount of traffic generated by the new dwellings and associated construction traffic, recent housing project on Broomfield Road successfully completed has brought seven more vehicles onto already over congested one way system, increases traffic in already busy area, further nine dwellings and vehicles will put existing road network over capacity, increased traffic will affect everyone who lives along the entire road, seen vehicles drive down the road the wrong way;
- Broomfield Road already has to accommodate parked cars from existing properties as well as visitors, due to the narrow road cars park on the pavement;
- Insufficient parking which would cause residents to park along Broomfield Road, the impact of building 9 three storey dwellings with the potential of 18 cars plus visitors being able to park would have a severe impact on road parking, there are no restrictions on the road, would lead to dangerous and illegal parking, parking will encroach onto Watson House Green causing erosion, restricting access to cars coming down Broomfield Road;

- Problems foreseen as to where 9+ waste/recycle bins would be positioned on collection day;
- Would restrict access in and out of the development, access would have restricted visibility from a gradient, creating an access here will make it virtually impossible to safely exit the proposed site;
- Increase hazards for pedestrians, school children, dog walkers, football match spectators use this road, pavement is limited in size, no pavement on Broomfield Road only where new access is proposed, most walk down the road;
- Unsafe and dangerous proposal, risk of accidents, the position of the access will encourage dangerous misuse of the one way system;
- The risk to pedestrian safety would be evident during construction, lane is not wide enough for a large lorry or other transport that will be needed for building;
- One time quiet lane is losing its character through overdevelopment and vehicle saturation;
- There is a gate at the end of Broomfield Road which would provide a safer access route to the site;

Neighbourliness:

- Overlooking, loss of privacy on surrounding properties on Broomfield Road, Lee Avenue and Horsley Croft;
- Will block out light and sun;

Ecology and trees:

- Loss of habitat, the local ecology supports bats, hedgehogs, squirrels, birds, owls, no need to destroy this ecosystem, have all the necessary protected species checks been carried out, have the mature trees been checked in case they should have been preserved, there is a natural spring water source on Watson Green draining into the proposed site;
- Losing too many green spaces, plenty more suitable sites for the building of houses;

Design:

- Number and design of properties, some three storey, are not in keeping with the character of the area, predominant character of the area is two storey or bungalows, aesthetically it would look wrong, detrimental to visual amenity, lane becoming an estate rather than a country style lane;

Land quality:

- Concerns about the stability of the land to build on, many mature trees were taken down, part of the historic barn collapsed, any major disturbance in preparation for building could damage properties, mine workings close to the site;

Heritage and listed building:

- Lower Barn at no. 17 Broomfield Court suffered an unexpected rear wall collapse in November 2018 and is scaffolded to make structure safe, The Barn now unusable till repairs are carried out, this wall had been rebuilt during the 2005 restoration;
- Appears to be building very close to a listed building which has already suffered some recent damage;
- Challenge inaccuracies in the Planning Statement that the setting of the listed building is already completely eroded, any major development was pre Cruck listing, although there is some evidence of infill the Barn and Cruck are of significant historic importance and in good order, the Barn is not a dwellinghouse, the Barn and Cruck are classified as agricultural and were grade 2 listed in 1977, the Barn dates from the 17th century, the Cruck dates from the 17C or even earlier, DEFRA grant-aided restoration in 2004/5 as they were deemed to be of significant historic importance to this area;
- The listed barns are part of a wider historic complex of local significance a large part of which still survives, Watson House Farm still survives largely intact only recently losing cart sheds for garages, the whole proposed development is within the setting of the listed structures and the associated non-designated structures, request a heritage impact assessment and more justification how the design on their outline plans takes this wider setting into account;
- The dry-stone wall which they want to demolish is one of undesignated structures within the setting of Watson House, one of original enclosure walls from 1778 (Bolsterstone Enclosure Award Act), South Yorkshire Sites and Monuments Record states significant legibility of piecemeal enclosures reused as present-day property boundaries, forms part of historic setting, correct ownership of wall needs establishing.

Stocksbridge Town Council have expressed serious concerns and oppose the application on the following grounds:

- The barn to the rear of Ingfield House is one of the oldest structures in the area, predating other buildings and settlements by hundreds of years, the barn listed as grade II in 1977 was originally built in the early 17th century and is one of comparatively few listed buildings in the local area, the historical significance and importance of the building is underlined by the award of a restoration grant by DEFRA;
- Due to the special significance of nearby buildings the Council feels very strongly that a heritage impact assessment is required especially as some

concern that damage may already have been caused by the felling of large trees nearby, understand that comments are awaited from DEFRA and English Heritage and these comments should be considered very carefully in the appraisal of this application, as should comments of nearby residents who know the history of the site and surrounding buildings, every effort should be made to preserve the building and its setting;

- Access to the site is already congested, particularly when matches are played at the nearby Bracken Moor stadium, concerned about additional traffic that would be generated by the development, the road providing access to the estate is a narrow one-way street which is already used by many school children as a shortcut, and additional traffic or traffic driving in the wrong direction poses a substantial and unacceptable risk;

- There are natural springs in much of the Stocksbridge and Deepcar area causing drainage issues which in conjunction with extensive former mineworks can result in significant technical challenges for building, the land was previously kept in good order by the presence of large trees and shrubs, but these have recently been removed and the land is now quite boggy;

- The outline application describes the construction of 3-storey buildings which would be overbearing and out of character with the architectural vernacular of the local area which is overwhelmingly two-storey;

- The Town Council object on the basis that the development would increase highway hazards on a constricted road, the land itself is not suitable for development, the proposed development is not in keeping with the wider local area, and most significantly that the development would form the immediate setting of a historic building contrary to the principles of Section 16 of the National Planning Policy Framework;

- Photographs submitted with some of the representations show a line of cars parked on Broadfield Road alongside the site frontage, and images of felled trees and of the listed building including the collapsed section of the building.

Councillor J Grocutt has objected:

- Concerned what implications the development will have on the grade two listed Cruck Barn and associated Barn which is not a residential building, the Cruck Barn received substantial funding from DEFRA to ensure that it is saved and valued by the community in its current hamlet setting which will be spoiled if these houses are built around it, the building is of significant historical value;

- It is on a one-way street, which is used as a short cut by large numbers of school children, much of the one way system doesn't have a footpath, children walk on the road, there will be increased traffic from the homes and vehicles servicing them;

- The road already suffers from problems of vehicles driving the wrong way along it, additional vehicles will increase the risk, access for emergency service vehicles is also a concern, the developer has chosen to put the entry into the houses along the one way lane, this will impact on the use of the lane, there is a perfectly good access point at the side of Ingfield House which would provide much safer access to the houses if planning permission was approved;
- The plan shows three storey houses are to be built, these will not be in keeping with the roofline or setting of this hamlet;
- The area has old mine shafts, in order to ensure the Cruck Barn is preserved would be concerned about the additional buildings and the impact on the stability of the land, along with the problem of land water which is a huge problem across this town, any land or underground water would have to find new courses if the development is built which could affect the listed building, a heritage impact assessment is vital for this application so that the full implications can be properly considered;
- The land owner has felled a number of trees in recent years that has had a detrimental impact on wildlife;
- The Council should be regenerating not expanding to provide new homes.

1 representation of support has been received raising the following matters:

- The trees have reached an unacceptable height, request further pollarding (T15) and removal of trees (T12-14) prior to building work commencing;
- Would be opposed to anything other than single or two storey dwelling on plot 7.

PLANNING ASSESSMENT

Section 38(6) of the Planning and Compensation Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires 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 setting or any features of special architectural or historic interest which it possesses.

The Government's planning policy guidance contained in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPGs) are a material consideration in planning decisions. The NPPF states that the purpose of the planning system is to achieve sustainable development which means that the planning system has three overarching objectives: economic, social and environmental. So that sustainable development is pursued in a positive way,

at the heart of the Framework is a presumption in favour of sustainable development (NPPF paragraphs 7 to 10).

For decision taking this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (NPPF paragraph 11).

NPPF paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

NPPF paragraph 117 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.

The relevant development plan is the Sheffield Local Plan which includes the Core Strategy and the saved policies and proposals map of the Unitary Development Plan (UDP).

Policy Issues: The Sheffield Unitary Development Plan

The UDP Proposals Map identifies the site as being within a Housing Area where housing is the preferred use under UDP Policy H10.

Policy H10 is a key policy which is most important for determining the application in line with NPPF paragraph 11.

Policy H10 is in part conformity with the NPPF as it promotes new homes as the priority use in housing areas which facilitate housing delivery and is consistent with paragraph 59 of the NPPF which states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

In addition NPPF paragraph 67 states that authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of specific, deliverable sites for years one to five of the plan period.

The Council has recently updated its 5-year housing land supply position adopting the latest guidance. This shows that the Council has a 5.1 year supply. The housing preferences in Policy H10 have significant weight.

The proposed erection of up to 9 dwellings on the site accords with Policy H10 (significant weight).

Policy Issues: Sheffield Core Strategy

The Core Strategy includes Policy CS23 relating to locations for new housing. It identifies general locations for new housing development albeit the Core Strategy does not make specific site allocations. On this basis it is a key policy for determining the application in line with NPPF paragraph 11. Policy CS23 states that new housing will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure, and that in the period 2008/9 to 2020/21 the main focus will be on suitable, sustainably located, sites within or adjoining (a) the main urban area of Sheffield (at least 90% of additional dwellings); and (b) the urban area of Stocksbridge/Deepcar.

Policy CS23 is in part conformity with the NPPF. This policy guides provision of new homes primarily to land within the main urban area which is consistent with NPPF paragraph 118 and the ambition in paragraph 59 of significantly boosting the supply of housing. Policy CS23 lacks conformity with the NPPF in relation to its policy for development outside the urban areas. Policy CS23 has moderate weight.

In this instance, the application site is within the urban area of Stocksbridge/Deepcar and subject to it being suitable and sustainably located the proposed development complies with CS23 (moderate weight).

Policy CS24 relates to the distribution of development on previously developed and greenfield land. Policy CS33 relates to development within the Stocksbridge/Deepcar area. These are key policies for determining the application in line with NPPF paragraph 11.

Core Strategy Policy CS24, which seeks to maximise the use of previously developed land for new housing, states that priority will be given to the development of previously developed sites and no more than 12% of dwelling completions will be on Greenfield sites in the period between 2004/05 and 2025/26.

NPPF paragraphs 117 to 123 relate to making effective use of land. NPPF paragraph 117 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. NPPF paragraph 118 states that planning decisions should (c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

The strong approach taken in Policy CS24 is consistent with NPPF paragraph 118(c) however the NPPF does not specifically advocate a brownfield first approach and there may be circumstances where additional greenfield development can be justified in the circumstances set out in CS24, which include on small sites within existing urban areas and larger villages where it can be justified on sustainability grounds. Given the narrow supply, and the objective of significantly boosting the supply of new homes in NPPF paragraph 59, greenfield sites without other policy constraints may be appropriate for development. Policy CS24 has moderate weight.

Core Strategy Policy CS33, relating to jobs and housing in Stocksbridge/Deepcar, includes that ... new housing will be limited to previously developed land within the urban area.

Policy CS33 is in conformity with the NPPF, in particular paragraph 118(c) which gives substantial weight to the value of using suitable brownfield land within settlements for homes, however additional land may be needed to meet future housing needs. The NPPF does not advocate a brownfield first approach. CS33 has moderate weight.

Although there is an element of tension between Policies CS24 and CS33, compliance with the development plan needs to be assessed against the requirements of the development plan taken as a whole and a view has to be taken where policies pull in different directions. CS24 outlines a proportionate prioritisation of previously developed land, and as such its degree of conformity with the NPPF is greater than that of CS33 which states an absolute prioritisation.

In respect of Policies CS24 and CS33, the application site, being a residential garden in a built-up area, is excluded from the definition of previously developed land contained in the NPPF.

The Strategic Housing Land Assessment Interim Position Paper 2017 and monitoring up to 2018/19 indicates that 95% of dwelling completions between 2004/05 and 2018/19 have been delivered on previously developed land and that 5% of gross dwelling completions since 2004/05 have been on greenfield sites.

The proposed development of this greenfield site for up to 9 dwellings would not result in the 12% criteria in Policy CS24 being exceeded.

The proposed housing development of this greenfield site complies with Core Strategy Policy CS24 but would be contrary to CS33 (both moderate weight), albeit that CS24's proportionate prioritisation of previously developed land, has a greater degree of conformity with the NPPF than CS33's absolute prioritisation.

Housing Land Supply

Core Strategy Policy CS22 relates to the scale of development for new housing and sets out Sheffield's housing targets until 2026, identifying that a 5-year supply of deliverable sites will be maintained.

However the NPPF 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. Weight cannot be afforded to the housing figures identified in CS22.

The Council has recently updated its five year housing land supply position based on the changed assessment regime identified in the revised NPPF (2019) and associated Practice Guidance. The local planning authority has reached this figure by undertaking additional work, including engagement with stakeholders, to reflect the requirements of national policy and guidance before publishing the conclusions in a monitoring report.

Sheffield now has a 5.1 year supply of deliverable housing units and can therefore demonstrate a five year supply. However regardless of the 5 year housing land supply position and given that the updated housing land supply is only marginally over 5 years, paragraph 59 of the NPPF still attaches great weight to continuing to boost the supply of housing.

The proposed provision of up to 9 dwellings on part of this site would make a small but positive contribution to meeting the City's obligation to maintain a 5 year supply of housing land, and on this basis, it is considered that this should be given weight in the balance of this decision.

Although the Council has a 5-year supply at this time and weight cannot be afforded to the housing figures identified in CS22, the reference to maintaining a 5-year supply of deliverable sites is consistent with the NPPF. Given this, it is considered that this aspect of the policy should be given significant weight.

Density

Core Strategy Policy CS26, relating to the efficient use of housing land and accessibility, states that housing development will be required to make efficient use of land but the density of new developments should be in keeping with the character of the area and support the development of sustainable balanced communities. It notes that densities will vary according to the accessibility of locations with the highest densities in the city centre and the lowest in rural areas. In parts of the urban area outside district centres and near high frequency bus routes it seeks a range of 40 to 60 dwelling per hectare and in the remaining parts of the urban area 30-50 dwellings per hectare. It also states that density outside these ranges will be allowed where it achieves good design, reflects the character of an area, or protects a sensitive area.

NPPF paragraph 122 states that planning policies and decisions should support development that makes efficient use of land taking into account several factors, including identified need, availability, market conditions and viability, infrastructure and maintaining the prevailing character or promoting regeneration and change, and the importance of well designed, attractive and healthy places.

Core Strategy Policy CS26 is consistent with the NPPF and has significant weight.

In this instance, the character of the area is primarily of family housing with a consistent grain of plot widths and garden sizes and given its location alongside housing of a similar character and the constraints of the site, it is considered that on this small site the proposed density of 25 dwellings per hectare is acceptable and complies with Policy CS26 (significant weight).

Highway and Transportation Issues

UDP Policy H14 relates to conditions on development in housing areas and states that in Housing Areas new development or change of use will be permitted provided that, amongst other matters, (b) new development would be well laid out with all new roads serving more than five dwellings being of an adoptable standard; and (d) it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

UDP Policy H15 seeks to ensure that the design of new housing developments will, amongst other matters, (a) provide easy access to homes and circulation around the site for people with disabilities.

Policies H14 and H15 are broadly in conformity with the NPPF and have significant weight.

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

Broomfield Road, alongside the site is a one-way road running between Broomfield Lane to the south and Bracken Moor Lane/Bocking Hill with the direction of traffic being from south to north. Broomfield Road serves several existing residential properties along its frontage and a group of detached dwellings off Broomfield Court a short cul de sac to the southeast of the site.

Although most of Broomfield Road has no separate footpath along it, there are short sections of footpaths at its southern junction with Broomfield Lane and at its junction with Broomfield Court, and there is a longer section of footpath running between no. 5 Broomfield Road and the junction with Booking Hill which passes alongside the application site's frontage.

The proposed access to the site would be positioned centrally to the site's frontage and 5.6 metres wide which would allow a two-way flow of traffic into and out of the site whilst maintaining the one-way routing of traffic on Broomfield Road.

The submitted plans indicate that sight lines of 2.4 metres by 43 metres can be provided at the proposed access in accordance with the Government's guidance contained in the Department for Transport 'Manual for Streets'.

The illustrative plans indicate that sufficient parking and manoeuvring space and space for bin collection can be accommodated within the site.

The site is close (approximately 290 metres) to local shops at the Lee Avenue/Knowles Avenue junction. There are nearby bus stops on Lee Avenue approximately 190 metres from the site access served by bus routes 23 (a very limited service) and 57 (an hourly service) and the supertram link bus SL1 (generally providing 2 to 3 buses an hour Monday to Saturday and 1 to 2 per hour on Sundays during the day) which run through Stocksbridge town centre.

There are no highway objections to the proposed development. Conditions are recommended to secure provision of the sight lines and appropriate highway gradients within the site.

The proposal complies with UDP Policies H14 (b) and (d) and H15 (a) (both significant weight) and the Government's national planning policy guidance contained in the NPPF, in particular paragraph 109.

Effect on the Amenities of Residents

UDP Policy H14 relating to conditions on development in housing areas includes matters of residential amenity seeking to ensure that (c) the site would not be over-developed or deprive residents of light, privacy or security, or cause loss of existing garden space which would harm the character of the neighbourhood. Policy H14 has significant weight.

NPPF paragraph 127(f) states that development should create places with a high standard of amenity for existing and future users.

In this instance this is an outline application with only the matters of access included for approval and with all other matters, including layout, appearance, scale and landscaping reserved for subsequent submission.

The applicant's illustrative details of these reserved matters are a representation of the proposal but are not submitted for approval at this outline stage. The illustrative layout shows a short access drive into an elongated courtyard, with two dwelling plots on the east side off the access, three plots on the western boundary and four plots along the rest of the northern boundary. The applicant's Planning Statement considers that dwellings of up to three storeys providing up to 4 bedrooms would be appropriate for the locality.

The site is within a residential area and as such there are residential properties alongside the site and in the immediate surrounding area.

There is an existing row of three two-storey terraced houses (nos. 1 to 5) on Broomfield Road alongside the site. The side gable of no.1 and the rear gardens of nos. 1 to 5 adjoin the site boundary. The main windows of these houses are on their front and rear elevations with the rear elevations facing over the south-eastern part of the site.

The existing houses at nos. 16 and 17 Broomfield Court are oriented at an angle to the site. There are main windows on the western elevation of no. 17 and the garden of no. 17 runs alongside this part of the eastern boundary of the site. The

main windows on no. 16 face north and south and generally away from the application site.

The ground levels on the application site are generally lower than the ground floor level of these houses.

To the north the site adjoins the rear gardens of semi-detached two-storey houses at nos. 10 to 26 Lee Avenue. The main rear windows of these houses face towards the site and the ridge line of these houses gradually steps up the street as the ground rises to the east on Lee Avenue.

To the west the site adjoins the retained rear garden to Ingfield House and the rear garden of no. 15 Bocking Hill both including main rear windows facing the site. The illustrative layout demonstrates that the site can accommodate the proposed development in principle and provide satisfactory separation distances between existing and proposed dwellings to secure and maintain satisfactory living conditions. The number of storeys for each dwelling will be a matter to be assessed at the reserved matters stage.

The proposal would retain sufficient garden space for the retained dwelling at Ingfield House. The proposal would be at an acceptable density, compatible with the character of the locality, and would not over-develop the site.

The proposal in principle complies with UDP Policy H14(c) (significant weight).

Impact on the Character and Appearance of the Locality

UDP Policy H14 relating to conditions on development in Housing Areas also includes matters of general amenity and design. Policy H15 relating to design of new housing developments also includes matters of amenity and design. UDP Policy BE5 and Core Strategy Policy CS74 seeks good quality design in new developments.

Policies H14, H15, BE5 and CS74 are consistent with the NPPF and have significant weight.

NPPF paragraphs 124 to 132 relate to achieving well designed places. NPPF paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make developments acceptable to communities. NPPF paragraph 127(f) states that development should create places with a high standard of amenity for existing and future users.

Broomfield Road is a narrow road with three bends in its middle section. At its southern end buildings are slightly set back from the road with short front gardens. Alongside the sports ground the character to the west is more open, and buildings on the eastern side of the road are sited closer to and onto the road frontage. Towards its northern end the treed embankment to the sports ground provides a more enclosed character before opening out onto the grassed area known as Watson House Green. Mature trees and stone boundary walls to properties alongside the road add to the varying sense of enclosure/openess along Broomfield Road.

In this instance this is an outline application with only the matters of access included for approval. All other matters, including design, are reserved for subsequent submission.

The proposed use is compatible with the surrounding residential area. The proposed access location whilst resulting in the removal of a short section of low wall would not harm the character of the streetscene.

This outline application for up to 9 dwellings and access provision is acceptable in principle and, subject to the submission of satisfactory reserved matters, would not prejudice compliance with UDP Policies H14, H15, BE5 and Core Strategy Policy CS74.

Heritage Impacts

There is a listed building in the group of buildings on adjacent land to the southeast of the site. The listed building, addressed in the listing as 'barn at number 17, Broomfield Court', is sited between the houses at no. 17 and nos. 3 and 9 Broomfield Road. 'The barn' is listed as grade II and its listing description includes 'barn now partly workshop, probably early C17, right part rebuilt C18, partly cruck-framed, dry wall gritstone, rebuilding in coursed squared gritstone, stone slate roof, elongated single range with partial outshut to front centre and left part retains 1 cruck pair set on padstones, rest of roof has C18 king-post trusses'.

Ingfield House at the northwestern end of the site is not listed. The applicant's submissions identify it as being late 19th Century (1892) extensively altered in the 20th Century. It currently lies within its large garden bounded on Broomfield Road by a low stone wall.

UDP Policy BE15 states that buildings and areas of special architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced and that development which would harm the character or appearance of Listed Buildings ... will not be permitted. UDP Policy BE19 relating to development affecting listed buildings states that ... proposals for development within the curtilage of a [listed] building or affecting its setting, will be expected to preserve the character and appearance of the building and its setting.

UDP Policy BE20 encourages the retention of historic buildings which are of local interest but not listed.

The aims of UDP Policies BE15, BE19 and BE20 are consistent with the NPPF and can be afforded weight.

NPPF paragraphs 184 to 202 (section 16) relate to conserving and enhancing the historic environment. NPPF paragraph 184 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

NPPF paragraph 190 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and take this into account when considering the impact of a proposal on a heritage asset to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

The annexe to the NPPF defines 'heritage asset' as a building, monument, site, place, area of landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

NPPF paragraph 192 states that in determining applications, local planning authorities should take account of: (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic activity; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

NPPF paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Substantial harm to or loss of (a) grade II listed buildings ... should be exceptional.

Less than substantial harm to the significance of a designated heritage asset is to be weighed against the public benefits of the proposal (NPPF paragraph 196).

NPPF 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.

The applicant's submissions include a recognition of the listed building and its significance and acknowledges that the setting of the listed building is material to the design of any future layout. The submissions describe that the illustrative details recognise the listed building by new buildings deliberately sited to maximise the distance to the listed building, orientating plot 7 east-west to maximise the offset from the listed building, and ensuring areas of hard paving are kept away from the listed building. The submissions note that its setting has been eroded by development, and states that there is no reason to suggest that a layout accommodating up to 9 dwellings cannot be designed to ensure that the setting to the listed building is not harmed (Design and Access Statement and Planning Statement paragraphs 2.5 and 8.7.1). The applicant's revisions to the illustrative details, by repositioning plot 7 and allowing a greater offset from the courtyard, have provided further separation from the listed building. It is considered that the applicant's submissions have satisfactorily addressed the requirement in the NPPF paragraph 189 to describe the significance of this heritage asset and its setting.

It is noted that the listed building already has existing development on three sides and that it has an undeveloped aspect to the north. Whilst this application is in outline with all details of the layout and form of the proposed dwellings reserved for subsequent approval, the illustrative details show an example of how the site can be developed whilst providing appropriate separation between the listed building and new buildings and how the envisaged courtyard and treatment along the eastern boundary can maintain open views and safeguard the setting of the listed building.

The impact of the proposal on the retained building at Ingfield House, and the removal of a short section of the low boundary wall alongside Broomfield road to form the proposed access, would not significantly harm the historic environment.

South Yorkshire Archaeology Service has no objections to the proposed development. In noting the potential for early mining activity South Yorkshire Archaeological Service has advised that some investigation will be needed to ascertain the nature of likely mining including assessment of available evidence and monitoring of ground investigations, and that a scheme of archaeological investigation by survey and trial trenching may be required. A condition is recommended to secure an archaeological evaluation of the site.

It is considered that this outline proposal would not cause substantial harm to or loss of a designated heritage asset. The proposal would not significantly harm the setting of the listed building.

The loss of part of the boundary wall and the impact of the proposal on the setting of other nearby buildings will not cause significant harm to the historic environment.

NPPF paragraph 196 requires the identified less than substantial harm to be weighed against the public benefits of the proposal. Significant weight is ascribed to the less than substantial harm that has been identified to the setting of the listed building. The proposed residential development of this site will deliver social, economic and environmental benefits.

The social benefits include the provision of homes in a sustainable location within an existing community close to public transport and which would generate contributions through the Community Infrastructure Levy. Economic benefits would derive from the short term creation of construction jobs, and the long term increase in local spending power provided by occupiers of the proposed dwellings to the benefit of the local economy. Environmental benefits would derive from the development achieving an appropriate density, making an effective use of land, and from planning conditions to secure a net gain in biodiversity on the site, and sustainable design and drainage measures within the development.

The proposal complies with UDP Policies BE15, BE19 and BE20 (all significant weight), and NPPF paragraphs 184 to 202. The relevant statutory provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 are satisfied by the special regard and attention which has been paid to preserving designated

heritage assets and their setting, including preserving the setting of the listed building.

Sustainable Design

Core Strategy Policies CS63 to CS65 relating to responses to climate change seeks to reduce the impact of climate change through reducing the need to travel, supporting sustainable transport and sustainable design and development. Policy CS65(a) in particular states that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

Policies CS63 to CS65 are consistent with the NPPF and have significant weight.

This is an outline application. A condition is recommended to ensure the development incorporates appropriate sustainability measures.

Ecology

UDP Policy GE11 seeks to protect the natural environment and states that the design, siting and landscaping should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

GE11 is in part conformity with the NPPF and has moderate weight.

NPPF (paragraph 170), which states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other measures, minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures.

The UDP identifies land to the west and south of the site, centred on the playing fields and sports grounds off Bracken Moor Lane, as part of the Green Network. UDP Policy GE10 seeks to protect the Green Network from development which would detract from their mainly green and open character.

The proposed development of the application site would not harm the nearby Green Network.

The applicant has submitted a Preliminary Ecological Appraisal of the site involving a desk study and field survey. The ecological appraisal assesses the site as partly scrub with a mix of semi-mature and mature trees, and poor semi-improved grassland with limited suitability for bats and some limited opportunities for garden birds. No evidence of other protected species was found. The ecological appraisal recommends retaining trees on the boundaries and protecting them during construction, avoiding the disturbance of nesting birds during the breeding season (March – August), ensuring any proposed new external lighting is angled downwards, incorporating species which offer foraging and nesting opportunities

as part of new planting proposals, and providing bat roosting and bird nesting opportunities.

The applicant's tree survey recommends retaining the 30 individual and groups of trees on the boundaries of the site with the exception of a cherry (T24) on the northern boundary which has a cavity at the stem and is classed as unsuitable for retention.

The submitted Preliminary Ecological Assessment is to an acceptable standard and no major ecological constraints to the development have been identified. The proposed measures to achieve a net gain in biodiversity are acceptable. A condition is recommended to secure a net gain in biodiversity.

The proposal would, subject to securing net gain in biodiversity, comply with UDP Policy GE11 (moderate weight) and the Governments planning policy guidance contained in the NPPF, particularly paragraph 170

Land Quality

NPPF (paragraph 178) states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The site falls within a Development High Risk Area as defined by the Coal Authority.

The applicant's submitted Mining Risk Assessment recommends that borehole investigation is made prior to development to confirm the depth of coal seams and precautionary measures may be necessary to ensure the stability of the development.

The Coal Authority have reviewed the applicant's submissions and has no objection to the proposed development subject to a conditions requiring site investigation works are undertaken and any remediation works carried out prior to the commencement of development.

There are no other anticipated land contamination issues.

Flood Risk and Drainage Strategy

Core Strategy Policy CS67 relating to flood risk management seeks to reduce the extent and impact of flooding.

Policy CS67 is in conformity with the NPPF and has significant weight.

The NPPF (paragraphs 156 to 165) relating to planning and flood risk state that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere and sets out the principles for assessing

the suitability of sites for development in relation to flood risk including the sequential and exception tests where appropriate.

The site lies within flood zone 1 where there is a low risk of flooding. Yorkshire Water Services has raised no objections to the proposed development and recommended that conditions be imposed to secure satisfactory foul and surface water drainage systems.

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is applicable to this development.

In this instance the site lies within CIL Zone 3 where there is a CIL charge of £30 per sq m of gross internal floorspace plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010.'

The funds generated through CIL will be used in connection with strategic infrastructure.

SUMMARY

The UDP identifies the site as being within a Housing Area where housing is a preferred use. The proposed development complies with Policy H10 (significant weight).

The proposal is within the urban area of Stocksbridge/Deepear and complies with Core Strategy Policy CS23 (moderate weight).

The proposed housing development of this greenfield site complies with Core Strategy Policy CS24 (moderate weight) but would be contrary to CS33 (moderate weight).

The proposal would provide safe access to the highway network. There are no highway objections to the proposed development.

This is an outline planning application for the erection of up to 9 dwellings and whilst access to the site off Broomfield Road is included for approval at this outline stage, the other matters of appearance, landscaping, layout and scale are reserved for subsequent approval.

Nevertheless from the information submitted it is considered that, in principle, the site can be developed for up to 9 dwellings without causing significant harm to the amenities of adjacent and nearby residents, or causing harm to the character and appearance of the locality.

Special regard has been had to the desirability of preserving the adjacent listed building and its setting and any features of special architectural or historic interest which it possesses. It is considered that this outline proposal would not cause

substantial harm to or loss of a designated heritage asset. The proposal would not significantly harm the setting of the listed building.

The loss of part of the boundary wall and the impact of the proposal on the setting of other nearby buildings will not cause significant harm to the historic environment.

In relation to paragraph 196 and 197 of the NPPF, less than substantial harm to the significance of a designated heritage asset is to be weighed against the public benefits of the proposal, and in weighing applications that directly or indirectly affect non-designated heritage assets a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

Significant weight is ascribed to the less than substantial harm that has been identified to the setting of the listed building. The proposed residential development of this site will deliver social, economic and environmental benefits.

The social benefits include the provision of homes in a sustainable location within an existing community, close to public transport and which would generate contributions through the Community Infrastructure Levy. Economic benefits would derive from the short term creation of construction jobs, and the long term increase in local spending power provided by occupiers of the proposed dwellings to the benefit of the local economy. Environmental benefits would derive from the development achieving an appropriate density, making an effective use of land, and from planning conditions to secure a net gain in biodiversity on the site, and sustainable design and drainage measures within the development.

The proposal complies with UDP Policies BE15, BE19 and BE20 (all significant weight), and NPPF paragraphs 184 to 202. The relevant statutory provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 are satisfied by the special regard and attention which has been paid to preserving designated heritage assets and their setting, including preserving the setting of the listed building.

In relation to paragraph 11 of the NPPF, the most important policies in the determination of this application, which in this case revolve around housing policy, highway and access design, neighbourliness impacts and the setting of the listed building, do, when considered as a collection, align with the NPPF. As such paragraph 11(d) of the NPPF is not applied in this instance.

Overall, whilst the proposal would involve development of a greenfield site contrary to CS33 (moderate weight), the proposal would contribute to meeting the City's obligation to maintain a 5 year supply of housing land, and would comply with UDP Policies H10, H14, H15 (significant weight), Core Strategy Policies CS22, CS26 (significant weight), CS23, CS24 (moderate weight) and the Government's planning policy guidance contained in the NPPF in particular paragraphs 109, 117 to 123, 124 to 132, 156 to 165, 184 to 202, 170 and 178.

There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the NPPF taken as a whole.

RECOMMENDATION

It is recommended that outline planning permission is granted subject to conditions.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 25 August 2020

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Marie Robinson 0114 2734218

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
25 August 2020

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of 17.5 metre high monopole and associated equipment cabinets (Application for determination if approval required for siting and appearance) at junction of Fulwood Road and Old Fulwood Road Sheffield S10 3QG (Case No 19/03991/TEL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for internal/external alterations and extension to building to create 27no residential units (key worker accommodation) with associated access, car parking and landscaping including demolition of internal walls/external stairwells and link at Loch Fyne 375 - 385 Glossop Road Sheffield S10 2HQ (Case No 18/04524/FUL)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of 20m monopole and associated equipment cabinets (Application for determination if approval required for siting and appearance) at land at junction of Sandygate Road and Carsick Hill Road Sheffield S10 3LW (Case No 19/04172/TEL)

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of two-storey side extension, single-storey front extension and stepped access to rear of dwellinghouse at 40 Dobcroft Avenue Sheffield S7 2LX (Case No 20/00376/FUL)

(v) 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 dwellinghouse with associated parking at land to the rear of 16 Newton Avenue Sheffield S36 1EL (Case No 19/03385/FUL)

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for application erection of a dwellinghouse (Amended Plans Received January 2019) at curtilage of 25 Pickard Crescent Sheffield S13 8EY (17/04593/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be whether the proposal would be inappropriate development in the Green Belt; the effect of the proposal on the character and appearance of the area (including loss of trees); and whether there are very special circumstances to justify the proposal.

Whilst the site is within the Green Belt, it is in an established housing estate which was built on the site of a former college. Nevertheless the Inspector concluded that the development would be inappropriate by definition as it does not involve limited infilling in a village setting or the redevelopment of previously developed land.

He noted that the garden area proposed to be developed was specifically retained as a large area to allow a group of mature trees to be integrated into the development and from part of a TPO imposed in May 2001. These trees make a significant contribution to the character of the area and the development would result in the loss of two of them.

He concluded that the proposal would be inappropriate development in the Green Belt and it would cause harm to the character and appearance of the area as a result of the loss of the protected trees. This would be in conflict with the UDP, the Core Strategy and the NPPF.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for erection of two-storey/single-storey side extension with roof terrace, car port, bin store and bike store (resubmission of planning application 19/01721/FUL) at Aldersyde 317 Psalter Lane Sheffield S11 8WA (19/03054/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being the effect of the proposed development on the character and appearance of the host property and the surrounding area, with particular regard to the proportions of the first floor.

He noted the strong rhythm of the terrace with vertical protruding bays a key feature. He agreed with officers that the flat roofed horizontal proportions of the proposed addition were at odds with the vertical proportions of the terrace and would create a discordant and disproportionate relationship with the host dwelling and wider street scene and dismissed the appeal.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for application for Part B: 1 internally illuminated fascia sign at Unit A2 Meadowhall Retail Park Attercliffe Common Sheffield S9 2YZ (19/02014/ADV) has been dismissed.

Officer Comment:-

The Inspector noted that the proposed advert would be more prominent than previous signs given its rectangular box design. It would also not be centrally positioned, instead being located to one side of the bay which would result in an unbalanced appearance in relation to the architectural features of the building, which would only be partially screened by landscaping when viewed from Attercliffe Common.

They concluded that the advert would harm the visual amenity of the area and would be contrary to UDP Policy BE13 and paragraph 132 of the NPPF.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for removal of 12.0m monopole and erection of 20.0m monopole supporting 12no antenna apertures, 7no equipment cabinets and associated works at Telecommunications Mast at junction with Silkstone Crescent Silkstone Road Sheffield S12 4RQ (19/02279/FULTEL) has been dismissed.

Officer Comment:-

The Inspector considered that the main issue in this case was the effect of the development on the character and appearance of the area. They noted that the site is a grass highway verge in front of a large nature reserve and public open space, bounded by mature trees and hedgerow. There is an existing 12 metre monopole adjacent to the site.

They noted that the proposed mast would be significantly taller than the existing one, with a bulkier base, and would tower above existing structures in the street as well as being substantially taller than the trees so it would visually intrusive and out of scale. The number of cabinets would also increase and be larger, resulting in additional clutter.

The Inspector also noted that there was a lack of technical information in relation to the search for alternative sites, which was also weighed against the proposal.

They concluded that the development would harm the character and appearance of the local area and that the benefits of the proposal did not outweigh this harm. The proposal was therefore judged to be contrary to the UDP, Core Strategy and NPPF.

(v) To report that an appeal against the delegated decision of the Council to

refuse planning permission retention of front dormer extension to form additional living accommodation to house of multiple occupation (Resubmission of 19/01105/FUL) at 5 Cemetery Avenue Sheffield S11 8NT (19/03966/FUL) has been dismissed, as has a claim for costs that was submitted by the appellant.

Officer Comment:-

Main Appeal

The Inspector identified the key issue as being the effect of the development upon the character and appearance of the appeal site and its surroundings.

He noted that the appeal site formed part of a terrace of dwellings of similar design, a high proportion of which contained front dormer windows of varied size and design which were material to its character.

In contrast to the majority of other dormers, which were of a distinctive pattern, he considered the proposed dormer (under construction) to be excessive in its bulk and massing, and to contain a modest element of glazing compared with the extent of cladding.

He therefore agreed with officers that this represented unacceptably harmful development to character and appearance of the house and the surrounding area, and dismissed the appeal.

Costs

The appellant claimed costs on the basis the Council had acted unreasonably in disregarding similar development to that proposed within the immediate vicinity, which it felt reflected guidelines, and had been inconsistent in its decision making on such matters.

The Inspector noted the officer's report had referenced the 'similar' developments referred to, had produced a complete, precise, specific and relevant reason for refusal and that the decision was a matter of judgement, made taking account of neighbouring circumstances and relevant policy and guidance.

He therefore considered the Council had adequately substantiated its reason for refusal, and not put the appellant to unnecessary expense. In doing so he dismissed the costs claim as the Council had not acted unreasonably.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for Outline application (all matters reserved) for residential development at Beighton Breakers Old Station Yard Rotherham Road Beighton Sheffield S20 1AH (18/02149/OUT) has been dismissed.

Office Comment:-

The Inspector noted that the main issue was whether the site represents an

appropriate location for the proposed development having regard to its flood zone location.

The site is within Flood Zone 1 and 2 on the published flood map but the EA has confirmed that the latest modelling puts it in Flood Zone 3a. There is no evidence to the contrary so the Inspector has treated it as Flood Zone 3a. The Sequential Test submitted by the appellant has limited information or justification for its scope. There is no detailed analysis of specific evidence relating to sites in the SHLAA. The Inspector therefore concluded that the proposal fails the Sequential Test.

On this basis alone the proposal is contrary to Core Strategy Policy CS67 and Paragraphs 155 and 158 of the NPPF and it was not necessary to consider other matters.

vii) To report that an appeal against the delegated decision of the Council to refuse planning permission for retention of a rear dormer window and rear boundary walls, and application to erect rear external stairs to first floor flat (amended description 16/09/2019). 331 & 331A Baslow Road Sheffield S17 4AD (19/02706/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue was whether the development would preserve or enhance the character and appearance of the Totley Conservation Area.

They noted the modest terraced form of the dwellings, their traditional detailing and an absence of additions such as dormers, walled enclosures and staircases. It was also noted that the appeal buildings were identified as buildings of townscape merit in the Conservation Area Appraisal.

They agreed with officers that the absence of similar features on a traditional terrace represented a discordant addition that had an adverse impact. This caused harm to the heritage asset for which there was no public benefit.

The inspector therefore concluded the works failed to preserve or enhance the appearance of the Conservation Area and dismissed the appeal.

(viii) To report that an appeal against the delegated decision of the Council to refuse planning permission for removal of 14.5m monopole and equipment cabinets and erection of 20.0m high monopole supporting 12 no antenna apertures, and associated equipment cabinets (To be sited to the front of Ecclesall Medical Centre, Millhouses Lane) (Amended Description) at Junctions Of Knowle Lane And Ecclesall Road South, Millhouses Lane And Woodholm Road Sheffield S11 9SH (19/04101/FULTEL) has been dismissed.

Officer Comment:-

The Inspector noted the main issue as being the effect of the development on

the character and appearance of the area.

They noted the proposal was located in a pleasant residential setting where tall street furniture was less prevalent than the existing location, and that the 20m mast would be very prominent and tower over neighbouring features, resulting in a strong presence on the skyline. Views would be evident over a long distance and, they concluded, would have significant adverse impact on the townscape. They agreed with officers that the agglomeration of cabinets would add to the negative visual impact.

The Inspector also noted the importance the NPPF gives to the effective development of telecommunications equipment., but also that evidence should be provided of need for the mast at the proposed location. The Inspector concluded that the appellant's submitted evidence was weak in terms of sequential site selection, and extent of search area.

They therefore concluded that there was insufficient weight to attach to the benefits of granting the proposal over the identified harm to visual amenity. They therefore dismissed the appeal.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning consent for replacement of 2no. windows to front of dwellinghouse (resubmission of planning application 18/03005/FUL) at 80 Brincliffe Edge Road Sheffield S11 9BW (Case No 19/03229/FUL) has been allowed.

Officer Comment:-

The Inspector identified the key issue as being whether the development would preserve or enhance the character and appearance of the Nether Edge Conservation Area.

They noted the character of this part of the Conservation Area included rows of dwellings in traditional materials set back from the highway with front gardens behind stone boundary walls, with vertically proportioned windows and doors. The contribution of traditional windows and doors to the character of the Conservation Area was also noted, as was the presence of the Article 4 Direction in order to retain such character.

They noted the appeal property did not contain sliding sash windows but timber casement windows with a central mullion and cross glazing bars with a high opening transom.

The Inspector did not agree with officers that the use of 'stick on' glazing bars and the thicker profile of the proposed replacement frames would be readily noticeable from the street and would not therefore cause harm to the appeal

property, or wider street.

As such they concluded there was no harm and the proposals would preserve the character and appearance of the Nether Edge Conservation Area.

(ii) To report that an appeal against the delegated decision of the City Council to refuse planning permission for erection of 2x single-storey buildings (Use Class B8 - storage) to house a data centre including 12x air conditioning units, 2x generators, provision of a access gates and 2.4m high fencing at Land Between Sheffield Road And Canal Wharf Road Sheffield S9 1RG (Case No 19/03085/FUL) has been allowed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the area.

She noted that the site is unkempt and subject to fly tipping, close to the M1 Junction with Sheffield Road.

Whilst the data centre would comprise single storey buildings and emergency generators and air conditioning units in between she did not consider that they would be out of place in this predominantly commercial area and disagreed that they resembled portacabins.

Given their location behind hoardings and landscaping she did not think they would be out of character and she felt that the development would significantly improve the appearance of the area, given its currently unkempt appearance.

She therefore allowed the appeal as she felt there was no conflict with UDP Policy IB9, Core Strategy Policy CS74 or 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

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report

9.0 RECOMMENDATIONS

That the report be noted.

Colin Walker
Interim Head of Planning

25 August 2020

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