

Planning and Highways Committee

Tuesday 18 January 2022 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

Councillors Dianne Hurst (Chair), Tony Damms, Roger Davison, Peter Garbutt, Brian Holmshaw, Bob McCann, Zahira Naz, Peter Price, Chris Rosling-Josephs, Andrew Sangar, Garry Weatherall, Richard Williams and Alan Woodcock

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 telephone no. 0114 273 5033 or by emailing abby.brownsword@sheffield.gov.uk.

****PLEASE NOTE:** Meetings of Planning and Highways Committee have to be held as physical meetings. Social distancing restrictions and other public health safety measures still apply. The Council Chamber can accommodate all Planning and Highways Committee Members, plus officers, and a limited number of members of the public within a safe indoor environment. However, if you would like to attend the meeting, you must register to attend by emailing committee@sheffield.gov.uk 2 clear days in advance of the date of the meeting. This is necessary to facilitate the management of attendance at the meeting to maintain social distancing. In order to ensure safe access and to protect all attendees, you will be required to wear a face covering (unless you have an exemption) at all times while moving about within the venue.

It is also recommended that you undertake a Covid-19 Rapid Lateral Flow Test within two days of the meeting and please do not attend if you have symptoms. You can order tests online to be delivered to your home address, or you can collect tests from a local pharmacy. Further details of these tests and how to obtain them can be accessed here - [Order coronavirus \(COVID-19\) rapid lateral flow tests](#) - GOV.UK (www.gov.uk). We are unable to guarantee entrance to observers, as priority will be given to registered speakers.

To observe the meeting as a member of the public, please click on the 'view the webcast' link provided on the meeting page of the website and then click on the 'Click for more details about Planning and Highways Committee' header which will enable you to see the presentations made.

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
18 JANUARY 2022**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 12)
Minutes of the meeting of the Committee held on 30th November 2021.
- 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. Tree Preservation Order No. 444, 3 Stortholme Mews, Sheffield, S10 3HT** (Pages 13 - 26)
Report of the Director of City Growth Service.
- 8. Tree Preservation Order No. 445, 4 Stepping Lane, Sheffield, S35 8RA** (Pages 27 - 40)
Report of the Director of City Growth Service.
- 9. Proposed Diversion of Public Footpath BRA\120 off Church Street, Oughtibridge, Sheffield, S35** (Pages 41 - 48)
Report of the Director of Operational Services.
- 10. Applications Under Various Acts/Regulations**
Report of the Director of City Growth
- 10a. Application No. 20/04453/FUL - Land adjacent 19 - 41, Walkley Lane, Sheffield, S6 2NX** (Pages 49 - 66)
- 10b. Application No. 21/03512/RG3 - Site of Hemsworth Junior and Infant School, Blackstock Road, Sheffield, S14 1AA** (Pages 67 - 92)
- 10c. Application No. 21/00407/FUL - Totley Hall Farm , Totley Hall Lane, Sheffield, S17 4AA** (Pages 93 - 112)

- 10d. Application No. 20/03919/FUL - 2 Rotherham Road, Handsworth, Sheffield, S13 9LL** (Pages 113 - 158)
- 10e. Application No. 21/02206/FUL - 39-43 Charles Street and 186-194 Norfolk Street, Sheffield, S1 2HU** (Pages 159 - 204)
- 11. Record of Planning Appeal Submissions and Decisions** (Pages 205 - 214)
Report of the Director of City Growth Service.
- 12. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 8th February 2022 at 2pm.

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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 30 November 2021

PRESENT: Councillors Peter Price (Chair), Tony Damms, Roger Davison, Brian Holmshaw, Dianne Hurst, Bob McCann, Zahira Naz, Andrew Sangar, Garry Weatherall, Richard Williams, Alan Woodcock, Mike Chaplin (Substitute Member) and Bernard Little (Substitute Member)

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1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Peter Garbutt and Chris Rosling-Josephs.
- 1.2 Councillors Bernard Little and Mike Chaplin acted as substitutes.

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 There were no declarations of interest made.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee held on 9th November 2021 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. TREE PRESERVATION ORDER NO. 438, 1 ARCHER DRIVE, SHEFFIELD, S8 0LB

- 6.1 Sam Thorn (Planning Officer, Landscape) attended the meeting and presented the report.

- 6.2 A supplementary document containing the Order to be confirmed, dated 2021, which had been made as the previous Order dated 2020, had lapsed before it could be confirmed, had been previously circulated and made available to the public.
- 6.3 The Officer informed Committee that the original Order had been served in response to a request from local residents and a local Councillor, as there was a perceived threat to the trees being removed by the land-owner. In order to prevent the removal of the trees, a Tree Preservation Order was therefore served.
- 6.4 Chloe Cheeseman and Councillor Ian Auckland attended the meeting and spoke in support of the Tree Preservation Order.
- 6.5 A discussion took place regarding the original planning application and the removal of trees. The Legal Officer undertook to raise the issue with the Enforcement Team to see if a breach of the permission had taken place and to report the matter back to the co-chairs of the Committee.
- 6.6 No objections to the Order had been received from the public within the consultation period.
- 6.7 **RESOLVED:** That Tree Preservation Order No. 438 be confirmed unmodified.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7a.1 APPLICATION NO. 20/04453/FUL - LAND ADJACENT 19 TO 41 WALKLEY LANE, SHEFFIELD, S6 2NX

- 7a.1 This application was deferred, as a site visit had not been able to take place due to weather conditions.

7b.1 APPLICATION NO. 21/04263/REM - 33 LOVE STREET AND SITE OF FORMER 53 BRIDGE STREET, SHEFFIELD, S3 8NW

- 7b.1 A number of amended conditions and an additional condition were included within the supplementary report circulated and summarised at the meeting.
- 7b.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 7b.3 Jon Suckley attended the meeting and spoke in support of the application.
- 7b.4 The Committee considered the report and recommended 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 including the amended and additional condition.

7b.5 Councillor Bernard Little wished it to be noted that he felt that the Sustainability Study was not fit for purpose and the Planning Officer explained that the Sustainability Study assessed the application against the Planning Policies currently in place and that this was a reserved matters application which meant that the principle of the multi-storey car park had already been approved. This application was to look at design matters.

7b.6 **RESOLVED:** That an application for reserved matters be GRANTED, conditionally, for the reasons set out in the report and supplementary report, including the amended and additional conditions, for the reserved matters application proposing details for the appearance, scale, layout, landscaping and access for a 9 storey multi-storey car park building (Sui Generis) at 33 Love Street and site of former 53 Bridge Street, Sheffield, S3 8NW (Application No. 21/04263/REM).

7c.1 APPLICATION NO. 21/03238/RG3 - FORMER 88 PINSTONE STREET, SHEFFIELD, S1 2HP

7c.1 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.

7c.2 Robin Hughes attended the meeting and spoke against the application.

7c.3 Jon Phipps and Clare Plant attended the meeting and spoke in support of the application.

7c.4 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report, now submitted.

7c.5 It was moved by Councillor Dianne Hurst and seconded by Councillor Garry Weatherall, that the application be deferred to allow the applicant to come up with an alternative proposal. On being put to the vote, the motion was lost. It was therefore:

7c.6 **RESOLVED:** That an application for amendment to no. of chimneys and windows on roofscape (Application under Section 73 to vary condition 2 (approved plans) of planning permission no. 18/04069/RG3 (Retention of Pinstone Street and part of Charles Street and Cambridge Street facade, demolition of buildings behind and erection of a seven1storey building for mixed use - retail/cafe/bar space (Use Class A1, A3, A4 and A5) at ground floor with offices (Use Class B1) above and associated works (Block C) (Application under Regulation 3 - 1992)) at Former 88 Pinstone Street, Sheffield, S1 2HP (Application No. 21/03238/RG3) be REFUSED, as it will have a less than substantial harmful impact on the character of the conservation area . It is considered that the justification for this harm is not

clear and convincing and is not outweighed by the public benefits of the proposal. The final wording of the refusal to be agreed by the Planning Officer in conjunction with the Co-Chairs.

8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 8.1 The Committee received and noted a report of the Chief Planning Officer detailing planning appeals received, appeals dismissed and appeals allowed by the Secretary of State.
- 8.2 Councillor Sangar said that further to the appeal dismissed by the Inspector of the delegated decision to refuse an application at 8 Ranmoor Gardens, Sheffield, S10 3FR, it was important to note the clear judgement and that the Inspector had agreed with the Planning Officer's decision.

9. DATE OF NEXT MEETING

- 9.1 It was noted that the next meeting of the Planning and Highways Committee would be held on Tuesday 21st December 2021 at 2pm.



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 10th December 2021

Subject: Tree Preservation Order No. 444
3 Stortholme Mews Sheffield S10 3HT

Author of Report: Vanessa Lyons, Community Tree Officer (Planning)

Summary: To seek confirmation of Tree Preservation Order No. 444

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 444 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No. and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Objection letters attached.

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

21st December 2021

TREE PRESERVATION ORDER NO. 444

3 Stortholme Mews, Sheffield, S10 3HT

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 444.

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.444 ('the Order') was made on 29th July 2021 protect 4 trees (a beech, two oak and a lime) located within the curtilages of 1, 3, 5 & 7 Stortholme Mews. A copy of the Order, with its accompanying map, is attached as Appendix A.
- 2.2 T1, 2, and 3 (as described in the Order) are positioned close to the boundary wall which separates the respective gardens from Graham Road. T4 is also close to the boundary wall but overlooks Gladstone Road. The trees are early mature specimens in good overall condition and with a reasonable future life expectancy. They are deemed as having high amenity value due to their prominent position within the street scene.
- 2.3 The trees are located within the Ranmoor Conservation Area, so they are already protected to a limited extent by Section 211 of the Town and Country Planning Act 1990. This requires that notice is served upon the Council before works to a tree can be carried out, giving the Council the opportunity to make a Tree Preservation Order where that is considered expedient. As such a section 211 notice was received on Friday 25th June 2021 to fell the oak at 3 Stortholme Mews. A Tree Preservation Order was therefore deemed expedient to protect the trees in the long term.
- 2.4 A condition inspection of the trees was carried out by Sheffield City Council's Tree Officer at the time, Dave Farmer. The trees were found to be in good health when inspected and had no obvious health and safety reasons requiring major intervention which would negate the trees' contribution to the amenity of the locality or their arboricultural merit. Although trees T1, 2 and 4 were not subject to a section 211 notice, the trees are similarly prominent and appear to have good long-term prospects. Collectively they form a high amenity feature that is in keeping with the surrounding area. Therefore, the decision was made to include them within the TPO. A TEMPO assessment was carried out following the inspection which supported the protection of the trees (see Appendix B).

One objection to the TPO was raised by the applicant under the s211 notice of 3 Stortholme Mews.

The objection appears only to have been made in respect of T3, and was made on the basis that:

- The risk to biodiversity if the tree is removed is low
- Oak trees present a risk of damage to property where they are in a small suburban garden due to their root distribution, branch loss or full fall
- The tree will breach a retaining wall within 5 to 10 years
- The circumstances of the tree are such that it is at risk of falling due to its root system
- The TPO increases this risk as the risks will become unmanageable if it is not removed

Dave's response stated:

- Oak trees are uncommon in Ranmoor, and their protection is prioritised accordingly
- The property is newer than the tree and the footings were likely to have been built to an adequate standard such that damage from roots is unlikely
- The retaining wall does not increase the likelihood of tree failure, the wall itself is structurally sound and the growth rate of the tree is slower due to its location.
- The tree has always grown in proximity to the retaining wall and will be very likely to have developed a rooting system that provides it the stability it requires within the soil volume available to it.

3.0 VISUAL AMENITY ASSESSMENT

3.1 The trees are prominent, being in a raised position and clearly visible from both Gladstone and Graham Road. They are in good overall condition and with a reasonable future life expectancy. They are deemed as having high amenity value due to their prominent position within the street scene.

3.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Dave Farmer. A summary of this is attached as Appendix B. The assessment produced a clear recommendation for protection.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

5.1 There are no environmental and property implications based on the information provided.

5.2 Protection of the tree detailed in Tree Preservation Order No.444 will benefit the visual amenity of the local environment.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (Section 198, Town and Country Planning Act 1990).

7.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the Order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.

7.3 The local authority may choose to confirm a TPO it has made. If an Order is confirmed, it will continue to have legal effect until such point as it is revoked. If an Order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.

7.4 A local authority may only confirm an Order after considering any representations made in respect of that order. One objection has been received in respect of the Order. As discussed, a detailed response by the serving Tree Officer has been provided to that single objection (Appendix C).

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.444 be confirmed.

Michael Johnson Head of Planning

10th December 2021

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No 444 (2021)

3 Stortholme Mews, Sheffield, S10 3HT

The Sheffield City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order No 444 (2021) – 3 Stortholme Mews, Sheffield, S10 3HT.

Interpretation

2. (1) In this Order “the authority” means the Sheffield City Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated 29th JULY 2021

EXECUTED AS A DEED)
By Sheffield City Council)
whose common seal was)
hereunto affixed in the presence of)



David Jellens
Duly Authorized Signatory



SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Fagus sylvatica – Beech	SK 3186SE
T2	Quercus robur - Oak	SK 3186SE
T3	Quercus robur - Oak	SK 3186SE
T4	Lime - Tilia × europaea	SK 3186SE

Trees specified by reference to an area

(within a dotted red line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>

Groups of trees

(within a solid red line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>

NOTES / REVISIONS:

Notes:

The use of this data acts as agreement to the following statements:
 a. Copyright Sheffield City Council. All rights reserved in Chapter IV of the Copyright, Designs and Patents Act 1988 have been generally asserted
 © This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright and database rights Ordnance Survey 100018616 2015

TREE SCHEDULE

○ Trees specified individually. (Enclosed in black on the plan)

- T1 Fagus sylvatica - Beech
- T2 Quercus robur - Oak
- T3 Quercus robur - Oak
- T4 Lime - Tilia x europaea

Trees specified by reference to an area - Non

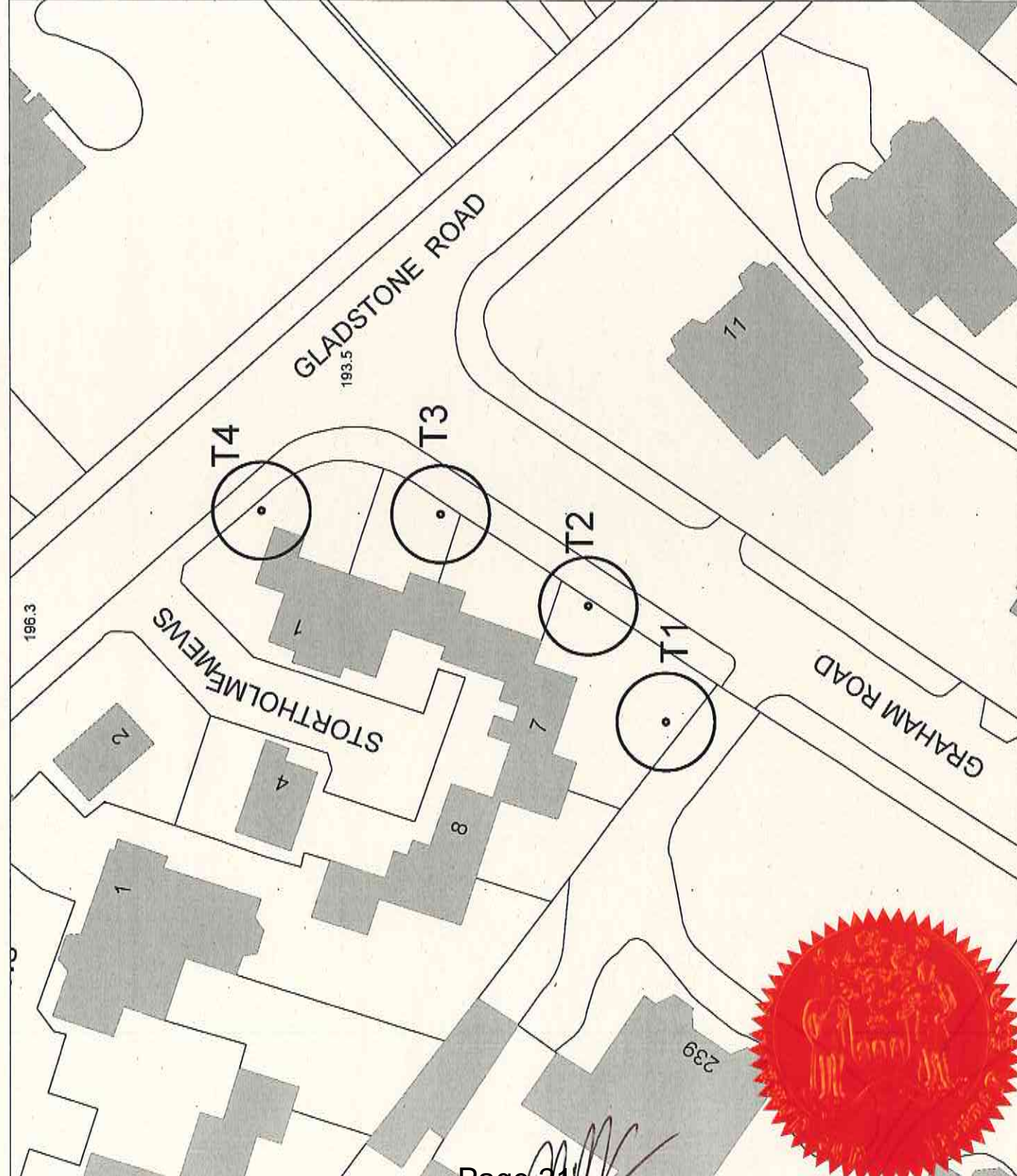
Trees specified by reference to a group - Non

Trees specified by reference to a woodland -

SK 3186SE

Measurements shown approximate

SHEFFIELD CITY COUNCIL	
PLACE	
PLANNING SERVICE CITY GROWTH	
TITLE	
TREE PRESERVATION ORDER	
No. 444	
3 Stortholme Mews, Sheffield S10 3f	
SCALE	
1:500 @ A4	
Drawn by:	Checked by:
ST	
Date:	26.07.2021
Drawing No.	
A4/JUED/808/444	



Appendix B: Tree Evaluation Method for Preservation Orders

Stortholme Mews -

T1

Amenity - 3 (Several large old pruning wounds but no sign of active decay)

Retention Span - 4 (40 to 100 years)

Public Visibility - 3 (Close to the roadside but partly shielded from view by surrounding trees)

Other Factors - 1 (None)

Expediency - 1 (Precautionary)

T2

Amenity - 3 (Regularly pruned in the past, slightly sparse crown for species)

Retention Span - 2 (20 to 40 years)

Public Visibility - 4 (Raised roadside location, close to junction)

Other Factors - 1 (None)

Expediency - 1 (Precautionary)

T3

Amenity - 3 (Regularly pruned in the past, slightly sparse crown for species)

Retention Span - 2 (20 to 40 years)

Public Visibility - 4 (Raised roadside location, close to junction)

Other Factors - 1 (None)

Expediency - 5 (Section 211 notice received)

T4

Amenity - 4 (Only not a 5 due to slightly limited visibility of stem and upper crown)

Retention Span - 2 (20 to 40 years)

Public Visibility - 4 (Raised roadside location, close to junction)

Other Factors - 1 (None)

Expediency - 1 (Precautionary)

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Appendix C: Extract from the Objection letter

Thank you for your letter date 29th July regarding TPO 444 and whilst we appreciate the comments, we wish to formally respond with our logic for wanting to remove the Tree in question (T3). It is also worth noting that we feel there is a great deal of disingenuous behaviour in the Councils actions given the TPO came immediately after our Planning Application was live and based on an inaccurate, biased and subjective report by a Council representative who visited site before our application. Oak trees (*Quercus Robur*) are widely considered to be one of the best trees for biodiversity and we appreciate that there are not many in Ranmoor, however there is another within 50m of the tree on our property which of a similar age, is more suitably located away from the boundaries so we consider the risk to the biodiversity in this instance in extremely low. It is also worth noting at this stage the Tree is does not produce acorns so its biodiversity isn't as high as it could be. We accept that Oak trees are good for biodiversity, but also realise they are considered unsuitable for a small suburban garden as the risk of damage to home and property is high both from the perspective of root distribution, branch loss or indeed full fall of the tree. Our garden is approximately 10m x 10m so completely unsuitable for this type of tree. Considering the current placement of the tree, an Oak trees average growth rate in terms of girth which will typically increase by 2.5cm to 5cm per year, it is reasonable to assume that the tree in question will breach the boundaries retaining wall within 5 to 10 years. The boundary wall which backs onto Graham Road is approximately 1.8m high and constructed out of stone blocks with stone coping. This Oak tree has a root system on only 3 sides due to its placement and proximity close to the boundary wall and as an oak tree typically has as shallow root system depth of approximately 45cm deep this further increases risk of the tree falling and causing significant damage. The tree currently has a lean of over 25 degrees towards the East and with Sheffield having a prevailing wind from the West, any high wind would put significant pressure on the tree and the risk associated with this tree falling should be considered as extremely high. In the event of a storm with winds in excess of 60 miles per hour the risk factor increase again. It is also worth noting the lean is towards the East and as the predominant wind direction for Sheffield is from the West, this increases the risk factor again of the root system failing and the tree falling. Should the tree fall, it will block Gladstone Road & Graham Road due to its size which would cause significant disruption and cost to the council and surrounding homeowners, including ourselves. This disruption will only increase if the TPO is granted and the planning application declined as if the tree is not removed to mitigate the above risks these risks will become unmanageable for both ourselves as homeowners and Sheffield City Council. For the Council not to agree to our responsible and proper request to remove the tree and replace it with more suitable trees now that the above risks have been clearly highlighted, we would consider Sheffield City Council to be irresponsible. There would be very little disturbance to the biodiversity offered by this tree due its age, the replanting we will undertake and its close proximity to another tree of the same species. Enforcing the TPO and refusing

our planning application would be a sign of improper management of the above risk and as such we would have no alternative but to put the council on notice of possible future litigation due to its inaction. In summary, the decision really comes down to aesthetics within the area and the question should be "will removal of this tree have significant visual impact on the area". With the more appropriate replanting we are proposing and the other trees in close proximity to the one we would like to remove, we put it to you that it will not therefore should the TPO remain in place and the planning application declined, the risks stated above will continue to increase to point where they become significant issues attached to significant cost.

Response to letter dated 29th July 2021 regarding TPO 444 - LS/RC/95105

The Oak tree in question (T3) has been protected by a TPO primarily due to the high level of visual amenity that it provides to the surrounding areas, and the amenity value that it will continue to provide for some time into the future. Oak trees are relatively uncommon in the Ranmoor area, and therefore the protection of any suitable Oak trees should be a priority. As such the similar adjacent Oak tree to the south has also been protected under the same TPO. The decision to protect these trees has been made regardless of any planning applications submitted before or after the notice was received by the council to remove T3.

The tree in question is quite large for its location in a small residential garden. This is likely to be the reason for the tree to have been regularly pruned in the past, to maintain a crown size that is more suitable. While its proximity to the dwelling is closer than would be ideal, in this instance the dwelling itself is relatively new and is certainly younger than the tree. It must be assumed, therefore, that the planning application was granted taking the location of the tree into account, and that the footings were built to an adequate standard so that damage from roots is unlikely.

The tree is growing in close proximity to the top of a 2m tall retaining, and it is accepted that this restricted location is likely to reduce the ultimate lifespan of the tree. This has been taken into account when assessing the suitability of the tree for protection. However, the retaining wall in itself does not necessarily increase the current likelihood of tree failure. The tree has always grown in proximity to the retaining wall and will be very likely to have developed a rooting system that provides it the stability it requires within the soil volume available to it. While the growth rates stated may be the average for Oak trees in an unrestricted environment, this tree will be growing at a slower rate due to its location. Trees are living, reactive structures that are constantly adapting to the forces that are exerted upon them, specifically so that they do not grow into a size or shape that makes them prone to failure.

There are no obvious signs of damage to the retaining wall close to the tree, so it must be assumed that the wall is not destabilising the tree, and that the wall itself is structurally sound.

Provided that the tree has always been leaning at a similar angle the lean does not suggest any structural weakness. The tree will have developed a root system that provides adequate anchorage and support for its weight, based on the stresses that have been exerted upon it from wind and weather in the past. Therefore if the predominant wind direction remains the same, the tree will have grown in a manner to withstand it.

The protection of a tree by a TPO does not preclude works from being carried out to it. It is advisable for the owners of large trees to have them regularly inspected by a suitably qualified professional, particularly where they are close to dwellings and public roads. If the results of such a survey of this Oak tree recommends works to be carried out, these will be considered for approval by the council.

I hope this addresses some of the concerns highlighted by the applicant but let me know if there is more that is needed or if anything needs changing.

Thanks,

Dave.

Dave Farmer Tree Officer

Sheffield City Council - City Growth Services

Urban & Environmental Design Team

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SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 10th December 2021

Subject: Tree Preservation Order No. 445
4 Stepping Lane, Sheffield, S35 8RA

Author of Report: Vanessa Lyons, Community Tree Officer (Planning).

Summary: To seek confirmation of Tree Preservation Order No. 445

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 445 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No. and map attached.
 - B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
 - C) Objection letters attached.
-

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

21st December 2021

4 Stepping Lane, Sheffield, S35 8RA

TREE PRESERVATION ORDER NO. 445

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 445.

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.445 ('the Order') was made on 29TH July 2021 to protect 2 trees (both early mature beech) located within the curtilage of 4 Stepping Lane. A copy of the Order, with its accompanying map, is attached as Appendix A.
- 2.2 T1 and T2 (as described in the Order) are positioned close to the rear boundary wall which runs adjacent to Middle Lane. They are deemed as having high amenity value due to their prominent position within the street scene.
- 2.3 The trees are located within the Grenoside Conservation Area, so they are already protected to a limited extent by Section 211 of the Town and Country Planning Act 1990. This requires that notice is served upon the Council before works to a tree can be carried out, giving the Council the opportunity to make a Tree Preservation Order where that is considered expedient. As such a section 211 notice was received on 7th June 2021 to fell both beech trees. A Tree Preservation Order was therefore deemed expedient to protect the tree in the long term.
- 2.4 A condition inspection was carried out on 22nd July 2021 by Dave Farmer, Tree Officer for SCC. The two beech trees were found to be in reasonable health when inspected, with no major outward defects. They have previously been pruned, and the pruning wounds have occluded well. Both trees are growing close to the rear boundary wall of the property, overhanging the rear garden area and Middle Lane. They are visually prominent due to their proximity to the roadside and being the tallest trees in the surrounding vicinity and appear to have good longer-term prospects. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Peter Simpson, Tree Officer for SCC, who scored them at 14 points. The assessment produced a clear recommendation for protection. A summary of the TEMPO can be found in Appendix B.
- 2.5 One objection has been raised to the TPO, by the applicants. A redacted copy of the objection letter is included (Appendix C). They

consider that the damage to the wall is sufficient to warrant the removal of the trees, stating that the wall is pushed forward by 10 inches in one area. They also dispute the amenity value of the trees, stating that there are other trees of a greater or equal size on neighbouring roads. While there are some signs of movement in the boundary wall close to both trees, it was the opinion of the investigating officer, Dave Farmer, that this appears to be relatively minor in nature and is likely to have occurred slowly over many years. This opinion was based on observations made during a site visit to the trees following the receipt of a section 211 notice in June 2021. With regards their amenity value, there are no other trees of this stature on Middle Lane itself and their loss would greatly detract from the overall street scene. Having attended the site to look at the trees on 19/11/21, officers concur with Dave Farmer's prior assessment. The trees are in reasonable condition with a relatively long useful life expectancy ahead of them and can be expected to continue to bring many benefits to the local area for years to come. It is therefore considered expedient that the trees should continue to benefit from the protection of the Order such that it is recommended that it be confirmed.

3.0 VISUAL AMENITY ASSESSMENT

- 3.1 The trees are visually prominent due to their proximity to the roadside and being the tallest trees in the surrounding vicinity. They are in good overall condition and with a reasonable future life expectancy.
- 3.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Peter Simpson, Tree Officer for SCC, who scored them at 14 points. The assessment produced a clear recommendation for protection. A summary of the TEMPO can be found in Appendix B.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

- 5.1 There are no environmental and property implications based on the information provided.
- 5.2 Protection of the trees detailed in Tree Preservation Order No.445 will benefit the visual amenity of the local environment.

6.0 FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

- 7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (Section 198, Town and Country Planning Act 1990).
- 7.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the Order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.
- 7.3 The local authority may choose to confirm a TPO it has made. If an Order is confirmed, it will continue to have legal effect until such point as it is revoked. If an Order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.
- 7.4 A local authority may only confirm an Order after considering any representations made in respect of that order. One objection has been received in respect of the Order. A response to that objection is provided at paragraph 2.5.

8.0 RECOMMENDATION

- 8.1 Recommend Provisional Tree Preservation Order No.445 be confirmed.

Michael Johnson, Head of Planning,

10th Dec 2021

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No 445 (2021)

4 Stepping Lane, Sheffield, S35 8RA

The Sheffield City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order No 445 (2021) – 4 Stepping Lane, Sheffield, S35 8RA.

Interpretation

2. (1) In this Order “the authority” means the Sheffield City Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated 29th July 2021

EXECUTED AS A DEED)
By Sheffield City Council)
whose common seal was)
hereunto affixed in the presence of)


Diana Johnson
Duly Authorised Signatory



SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Fagus sylvatica – Beech	SK 3294SE
T2	Fagus sylvatica – Beech	SK 3294SE

Trees specified by reference to an area

(within a dotted red line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

Groups of trees

(within a solid red line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
-------------------------	---	------------------

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

NOTES / REVISIONS:

Notes:

The use of this data acts as agreement to the following statements:
 a. Copyright Sheffield City Council. All rights reserved in Chapter IV of the Copyright, Designs and Patents Act 1988 have been generally asserted
 b. This map is based on Ordnance Survey material with the permission of Ordnance Survey in behalf of the Controller of Her Majesty's Stationery Office. Crown copyright and database rights Ordnance Survey 100018616 2015

TREE SCHEDULE

Trees specified individually.
 (Encircled in black on the plan)

T1 Fagus sylvatica - Beech
 T2 Fagus sylvatica - Beech

Trees specified by reference to an area - None

Trees specified by reference to a group - None

Trees specified by reference to a woodland - None

SK 3294SE

Measurements shown approximate

SHEFFIELD CITY COUNCIL
PLACE

PLANNING SERVICE CITY GROWTH

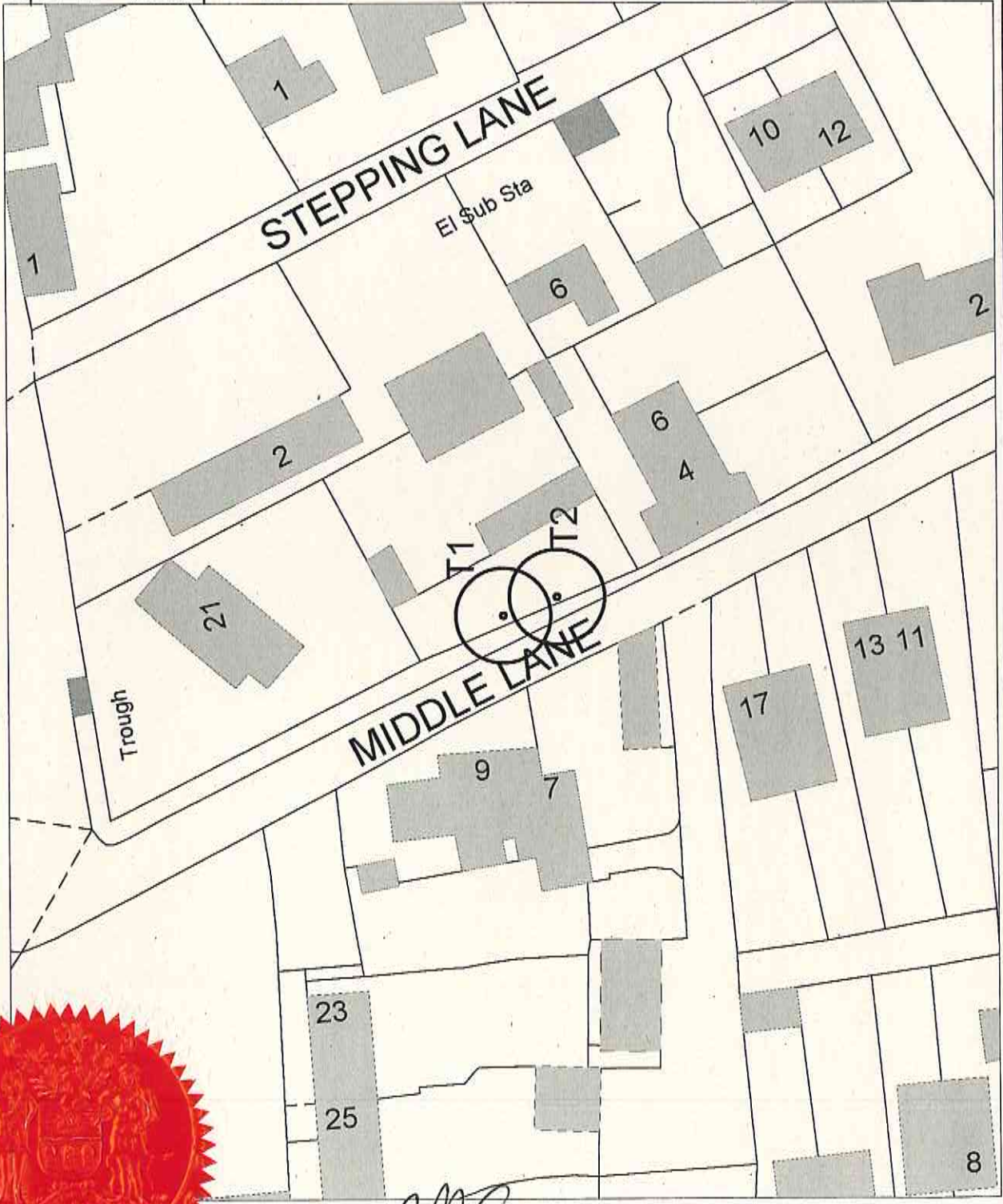
TREE PRESERVATION ORDER
No. 445

TITLE
 4 Stepping Lane, Sheffield S35 8RA

SCALE
 1:500 @ A4

Drawn by: []
 Date: 22.07.2021

Drawn by: []
 Drawing No: A4/JED/808/445



[Signature]
 Page 35
 Duly Authorised Signatory

Appendix B: Tree Evaluation Method for Preservation Orders

4 Stepping Lane

Both trees

Amenity - 3 (Several large old pruning wounds but no sign of active decay)

Retention Span - 2 (20 to 40 years)

Public Visibility - 4 (Close to the roadside and the largest trees for some distance)

Other Factors - 1 (None)

Expediency - 5 (Section 211 notice received)

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Appendix C : Objection

Appeal against Tree Preservation Order No. 445

We are writing to appeal against TPO No. 445 which resulted from our recent application for tree removal (Ref 21/02630/TCA). We feel the officer's report on our application (enclosed) does not give a fair account of the situation both in terms of the damage being caused by these trees and their significance to the local environment.

1 Wall Movement

The officer's report said there are "some signs of movement" but this "appears to be relatively minor in nature". This gives the impression that it is barely noticeable.

As can be seen in Figure 1, the section next to the trees is now well forward of the original wall line. At the worst point (tree T2 on your drawing No. A4/UED/808/445) the top of the wall has been pushed approximately 10 inches forward (see Figure 2).

We argue that the movement is clearly visible, is not of a relatively minor nature and this is why we stated on our application that the trees have outgrown the space available and are pushing the boundary wall over.

2 Prominence & Amenity Value

The officer's report said they are prominent because of "their proximity to the roadside and being the tallest trees in the surrounding vicinity."

Obviously these trees are near the roadside but we do not accept that they are the tallest trees within the "surrounding vicinity". There are many other trees of a similar or larger size on neighbouring roads, e.g. Top Side (junction with Hill Top Lane) and Bower Lane (junction with Top Side and Middle Lane). The latter tree is around 75 yards from ours, next to a short track that leads directly into Wheata Wood where there are many prominent trees providing clear amenity value to the local community.

We are therefore appealing against the TPO on the grounds that the trees are causing substantial wall movement and the loss of these trees would not result in a significant reduction in the amenity value of the surrounding vicinity.



Figure 1 Wall position looking south along Middle Lane

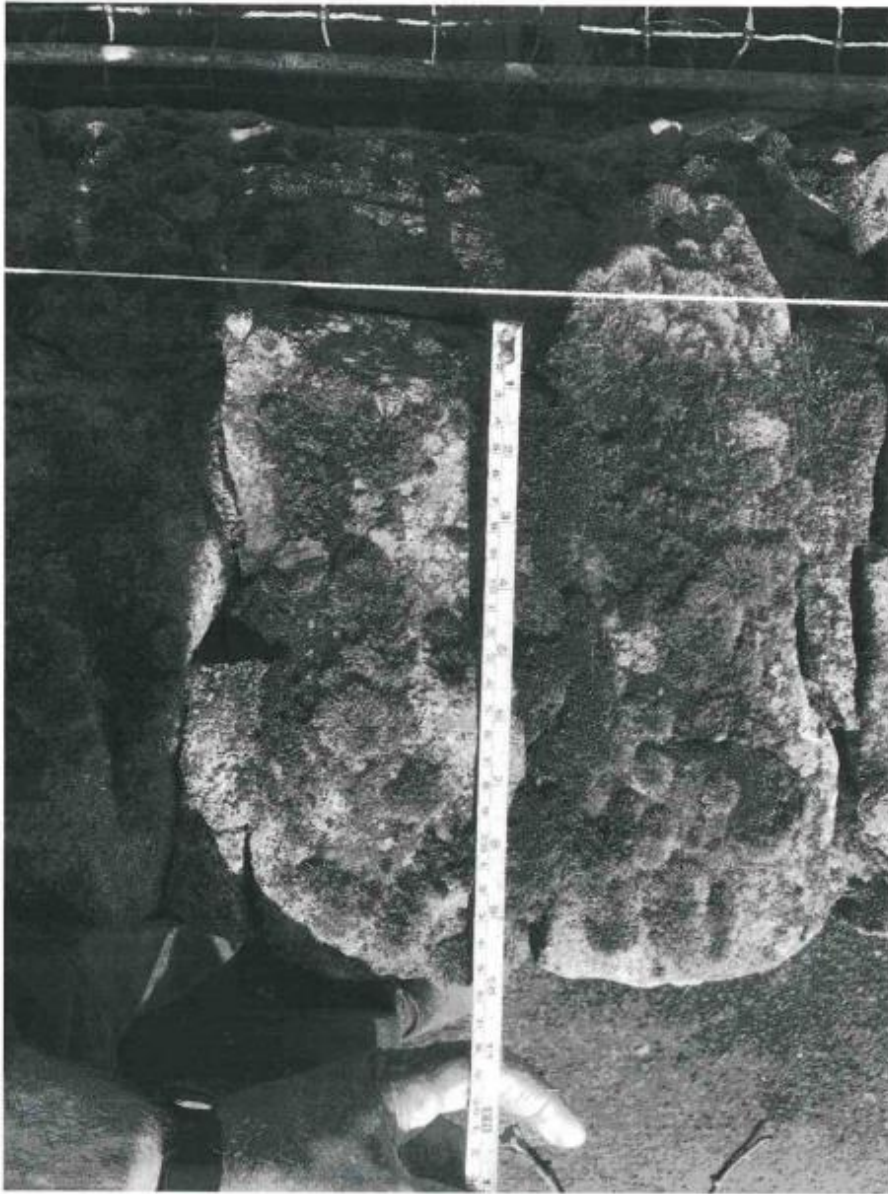


Figure 2 Measurement of wall position relative to original wall line

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Operational Services

Date: 18th January 2022

Subject:

PROPOSED DIVERSION OF PUBLIC FOOTPATH BRA\120 OFF CHURCH STREET, OUGHTIBRIDGE, SHEFFIELD S35.

Author of Report: Mark Reeder 0114 474 2509

Summary:

To seek authority to make the Public Path Diversion Order, under Section 119 of the Highways Act 1980, required to alter the legal course of definitive public footpath BRA\120, off Church Street, Oughtibridge.

Reasons for Recommendations

Based on the information within this report, Officers support:

- the proposed diversion of part of definitive public footpaths BRA\120 as shown on the plan included as Appendix A.

Recommendations:

1. Raise no objections to the proposed diversion of part of definitive public footpath BRA\120, 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
2. Authority be given to the Director of Legal & Governance to
 - a. Take all necessary action to divert the footpath 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

Background Papers:

Category of Report: OPEN

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PROPOSED DIVERSION OF PUBLIC FOOTPATH BRA\120 OFF CHURCH STREET,
OUGHTIBRIDGE, SHEFFIELD S35.

1.0 PURPOSE

- 1.1 To seek authority to make the Public Path Diversion Order, under Section 119 of the Highways Act 1980, required to alter the legal course of definitive public footpath BRA\120, off Church Street, Oughtibridge.

2.0 BACKGROUND

- 2.1 The City Council is proposing to make an Order to divert part of public footpath BRA\120 off Church Street, Oughtibridge, as shown by a solid black line on the plan included as Appendix A, hereby referred to as “the plan”.
- 2.2 The affected part of footpath BRA\120 was diverted, without lawful authority at the time, by a landowner sometime around 1996. The alternative route has been accepted and used by the public for 25 years and it is considered pragmatic to make an Order to regularise the situation. The diversion of the footpath, while being in the interests of the landowner, does not inconvenience the public. The diversion (if successful) will enable the Council to amend the Definitive Map and Statement so as to properly reflect the status of the route.
- 2.3 In 2006 the City Council made an Order to divert this part of footpath BRA\120. However, objections were received from members of the public and the Council was unable to confirm the Order such that it could come into effect. Subsequent discussions with objectors resulted in two of the three objections being removed. Unfortunately, officers were unable to contact the third objector and it was decided that the process should be put on hold.

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 The Peak and Northern Footpath Society have raised no issues to the proposal.
- 3.4 Not all the consultees had responded at the time of writing this report. But of those that have responded no objections have been received.

3.5 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 If the Council considers it expedient, 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 by creation of a legal order if it is in the interests of the landowner, including where it is pursuant to their privacy and security, and if the Council believes that the proposed alternative will not be substantially less convenient to the public.

4.2 Where it has not been possible to resolve an objection made to an Order, the City Council may refer that Order to the Secretary of State for confirmation so as for it to come into effect. For reasons unknown, a decision was taken to not refer the Order in 2006. Given that 15 years have passed since the original application, it is considered more appropriate to restart the process rather than attempt to refer the 2006 Order, primarily on the basis that the notification procedure associated with the making of a new order will be carried out and the public will have a new opportunity to make representations.

5.0 HIGHWAY IMPLICATIONS

5.1 Public footpath BRA\120 is part of the definitive public footpath network in the Oughtibridge area of Sheffield.

5.2 The proposed alternative route has been accepted and used by the public for 25 years.

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.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

6.1 An Equality Impact Assessment has been carried out and no particular equal opportunity implications have been identified 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 associated with the Diversion Order process will be met from the Public Rights of Way budget.

9.0 CONCLUSION

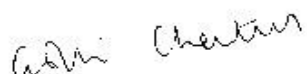
9.1 Based on the above information, Officers support the proposed diversion of part of definitive public footpath BRA\120, as shown on the plan included as Appendix A.

10.0 RECOMMENDATIONS

10.1 Raise no objections to the proposed diversion of part of definitive public footpath BRA\120, 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.

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

- a. take all necessary action to divert the footpath 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



Gillian Charters
Head of Highway Maintenance

18th January 2022

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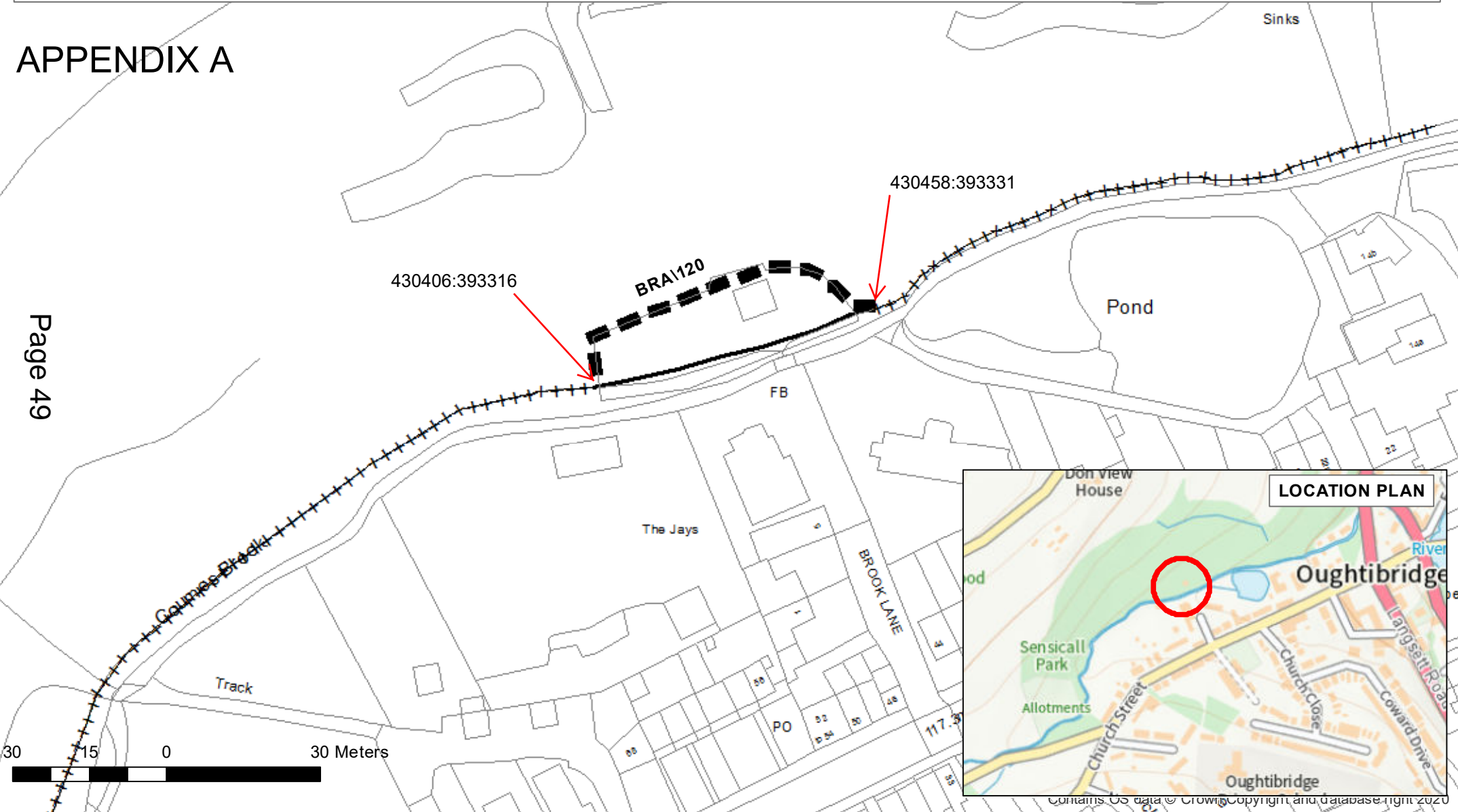
Highway Records
Operational Services
Howden House
Union Street
Sheffield
S1 2SH

Proposal to divert part of footpath BRA\120 at Oughtibridge, Sheffield.



APPENDIX A

Page 49



	Footpath to be closed		Footpath to be provided		Unaffected Footpath
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Case Number	20/04453/FUL (Formerly PP-09335987)
Application Type	Full Planning Application
Proposal	Erection of 4x dwellinghouses with parking provision and associated works (amended plans)
Location	Land adjacent 19 - 41 Walkley Lane Sheffield S6 2NX
Date Received	14/12/2020
Team	West and North
Applicant/Agent	Space Studio
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:

Drawing No. A19-145-02 - Rev E (PROPOSED GROUND FLOOR SITE PLAN)
Published 07.12.21

Drawing No. A19-145-02-1 Rev A (PROPOSED SITE PLAN 45M VISIBILITY
SPLAY) Published 07.12.21

Drawing No. A19-145-03 - Rev E (HOUSE TYPE A AND B GROUND FLOOR
PLAN) Published 07.12.21

Drawing No. A19-145-03-1 - Rev F (HOUSE TYPE A AND B FIRST FLOOR
PLANS) Published 07.12.21

Drawing No. A19-145-03-2 - Rev A (FULL SITE-GARDEN PLAN) Published
07.12.21

Drawing No. A19-145-04 - Rev C (HOUSE TYPE A AND B SECOND FLOOR
PLAN) Published 10.11.21

Drawing No. A19-145-04-1 - Rev A (HOUSE TYPE A AND B ATTIC FLOOR
PLAN) Published 10.11.21

Drawing No. A19-145-04-2 - Rev A (HOUSE TYPE A AND B ROOF PLAN)
Published 10.11.21

Drawing No. A19-145-05-1 - Rev E (PROPOSED FRONT ELEVATION)
Published 07.12.21

Drawing No. A19-145-06 - Rev E (PROPOSED REAR ELEVATIONS) Published
07.12.21

Drawing No. A19-145-07 - Rev E (PROPOSED SIDE 1 ELEVATION) Published

07.12.21

Drawing No. A19-145-08 - Rev E (PROPOSED SIDE 2 ELEVATION) Published

07.12.21

Drawing No. A19-145-05 - Rev E (PROPOSED STREET ELEVATION) Published

07.12.21

Drawing No. A19-145-01 - Rev A (site location plan) Published 14.12.20

Reason: In order to define the permission.

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

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

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

4. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

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

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

6. 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.

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. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority before the commencement of development. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

9. 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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

10. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

11. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

12. Prior to the development being brought into use full details of the measure that

will be incorporated into the development to bring about net gains for biodiversity shall be submitted to the Local Planning Authority for approval. The measures shall thereafter be implemented and retained in accordance with the approved details.

Reason: To bring about net gains for biodiversity.

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

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

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

14. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

15. 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.

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

- Windows (including reveals to min. depth of 100mm)
- Balconies (including privacy screens)

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

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

17. Should the clearance of trees take place within the bird nesting season (March to August inclusive) a pre site clearance check shall be carried out by a suitably

qualified ecologist to establish the presence of nesting birds. If active bird nests are present clearance works should only proceed once all chicks have fledged.

Reason: In order to ensure that nesting birds are not adversely affected by the development.

18. A comprehensive and detailed hard and soft landscape scheme for the site, including details of the green roof to the bin store, shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

19. The approved landscape works, including the green roof to the bin store, shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter the landscaped areas (and aforementioned green roof) shall be retained, 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 it is essential for these works to have been carried out before the use commences.

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

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

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

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

b) Be capable of achieving the following noise levels:

Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

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

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

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

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

22. Before the 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 the interests of the amenities of the future occupiers of the building.

23. Prior to the development becoming occupied, suitable and sufficient, secure and sheltered bicycle parking accommodation shall have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved cycle parking shall be retained/maintained for the sole purpose intended

Reason: In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).

24. The development shall not be used unless the car parking accommodation for the development 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 car parking accommodation.

25. The development shall not be used unless the visibility splays indicated on the approved plans have been provided in accordance with those plans, entailing removal of the existing front boundary wall, overgrown vegetation, and widening of the adopted footway to run concurrently with the visibility splay. Full construction details of these works are to have first been submitted to and approved in writing by the Local Planning Authority.

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

Other Compliance Conditions

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellinghouses shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact:

Highway Adoptions
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Email: highwayadoptions@sheffield.gov.uk

3. 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

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

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

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

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

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<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.

6. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 Guidance Notes for the Reduction of Obtrusive Light. This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the resource pages of the Institute of Lighting Professionals website.
7. The 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.

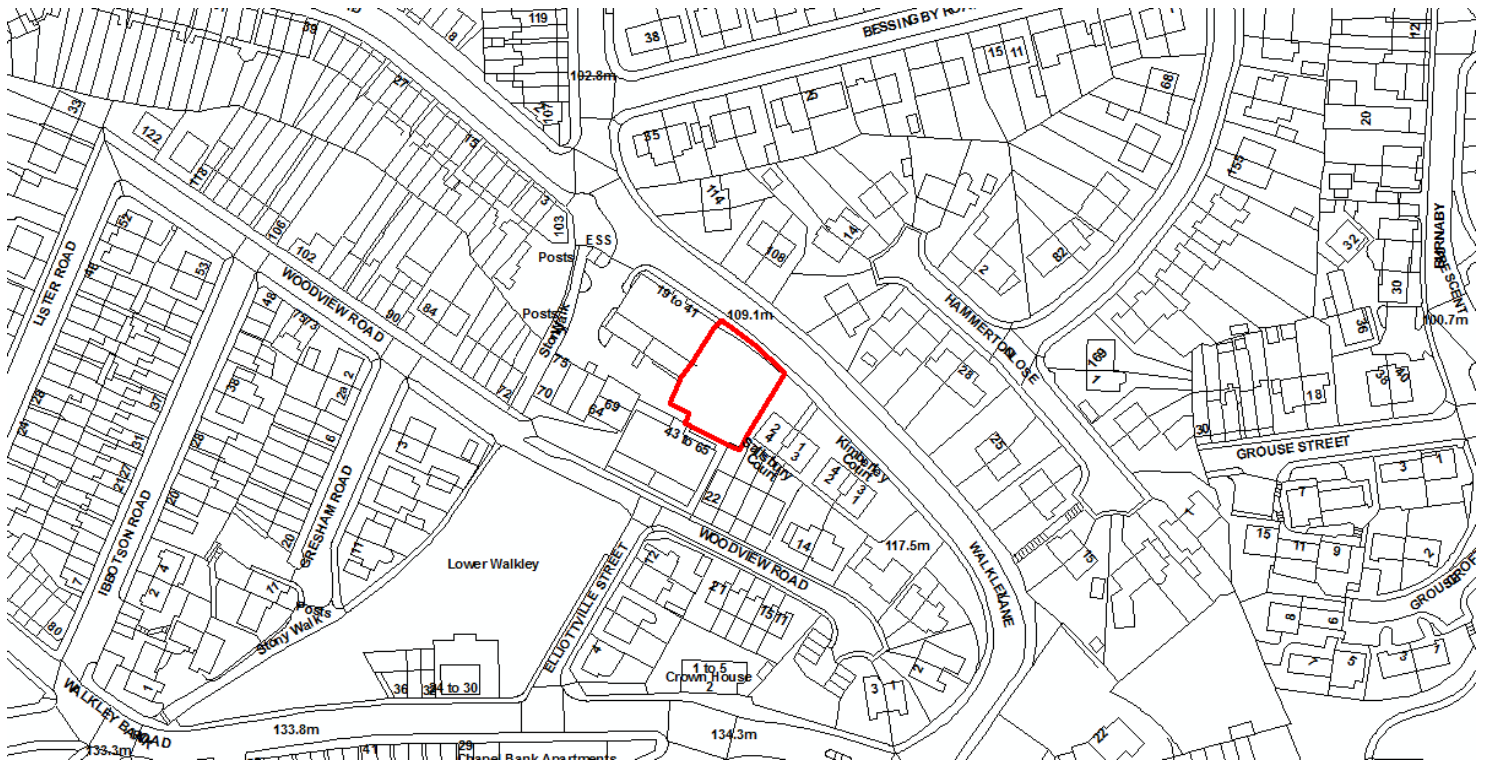
A communications strategy for principal sensitive parties close to the site.

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.

Site Location



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LOCATION AND PROPOSAL

The site lies within an allocated Housing Area as defined in the adopted Sheffield Unitary Development Plan (UDP). The surrounding area is residential in character, incorporating a mixture of housing types.

The site comprises of a vacant and overgrown parcel of land which is elevated above the highway and sits between two residential blocks on Walkley Lane: to the south-east two short terraces of three storey townhouses with integral garages constructed in red brick, and to the north-west a three to four storey, stone built apartment block. Opposite the site along Walkley Lane are semi-detached properties which are set back from the road and on a much lower level. To the rear of the site is a large stone retaining wall along the boundary, beyond and elevated above which is a further three to four storey stone built apartment block.

The application seeks planning permission to erect 4 dwellings with undercroft car parking. Amended plans have been received during the application process following negotiations with the agent.

REPRESENTATIONS

25 representations from 20 properties have been received objecting to the proposal.

It is noted that Cllr Bernard Little objected to this application in January 2021, prior to becoming a Green Party Councillor for the Walkley Ward.

The following material concerns were raised:

- the exit onto Walkley Lane is dangerous due to poor visibility.
- highway safety would be adversely affected due to increase in traffic, during the construction phase and once the properties are sold.
- the development will exacerbate existing parking problems.
- the development will overshadow and result in a loss of light to neighbouring properties.
- the development represents an overdevelopment of site in an already densely populated area.
- the development will cause increased overlooking, noise and general disturbance.
- the scale and massing of the proposed development will be detrimental to the character of Walkley Lane.
- the proposed development will be overshadowed by the existing buildings.
- the development will result in the loss of green space and wildlife (site is used by foxes).
- the proposed trees will block light, cause debris and affect the structure of neighbouring buildings.
- the existing tree in the south-east corner is too close to neighbouring buildings, suffers from defects and should be removed if planning permission is granted.
- bin collection concerns.
- the development will have a large carbon footprint.
- there is not enough green space between buildings.

Non-Material Issues:

- this land was designated a garden/recreation area by the developers (of the adjoining development) but never provided.
- loss of views.
- concerns relating to the future maintenance of adjoining land.
- would prefer site used as amenity space.

PLANNING ASSESSMENT

Policy Context

The Council's development plan comprises the Core Strategy (CS) which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework revised in 2021 (NPPF) is a material consideration. The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

The Council has released its revised 5-Year Housing Land Supply Monitoring Report. This new figure includes the updated Government's standard methodology which includes a 35% uplift to be applied to the 20 largest cities and urban centres, including Sheffield. The monitoring report, released in August 2021, sets out the position as of 1st April 2021 – 31st March 2026 and concludes that there is evidence of a 4-year supply of deliverable housing land. Therefore, the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites. Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date according to paragraph 11(d) of the NPPF. The so called 'tilted balance' is therefore triggered, and as such, planning permission should be granted 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 assessed against the policies in the NPPF taken as a whole.

In this instance, the site does not lie within nor is it adjacent to any protected areas or assets of particular importance which should be taken into consideration in the tilted balance process.

Land Use Principle

The application site falls within a Housing Area as identified in the Unitary Development Plan (UDP) for Sheffield. Redeveloping the site for housing (Use Class C3) is in line with the preferred use identified within UDP policy H10 'Development in Housing Areas'. It is therefore acceptable in principle.

Policy CS23 of the Core Strategy 'Locations for New Housing' states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure.

Policy CS24 'Maximising the Use of Previously Developed Land for New Housing' prioritises the development of previously developed (brownfield) sites, states that Housing on greenfield sites should not exceed more than 12% of completions and should (part b) be on small sites within the existing urban areas, where it can be justified on sustainability grounds.

Policy CS23 and CS24 are restrictive policies, however the broad principle is reflected in paragraph 119 of the NPPF, which promotes the effective use of land and the need to make use of previously-developed or 'brownfield land'.

In this instance the site constitutes greenfield land. However, the site is sustainably located and is a small site within an urban area. The completions on greenfield sites are well below the 12% figure set out in policy CS24, and the NPPF does not require a brownfield first approach, so therefore the proposal is acceptable in principle.

It is considered that the proposal is consistent with the aims of policies H10, CS23 and CS24.

Efficient Use of Land

Policy CS26 'Efficient Use of Housing Land and Accessibility' of the Core Strategy encourages making efficient use of land to deliver new homes at a density appropriate to location depending on relative accessibility. The density requirements are a gradation flowing from the highest density in the most accessible locations down to lower densities in suburban locations with less accessibility. The need to make efficient use of land is reflected in paragraph 125 of the NPPF which states that 'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.' Policy CS26 is therefore considered to carry substantial weight in the determination of this application.

Paragraph 124 of the NPPF promotes making efficient use of land taking account of a number of factors including identified housing needs; market conditions and viability; the availability of infrastructure; the desirability of maintaining the prevailing character of the area, or of promoting regeneration; and the importance of securing well designed places.

For a site such as this, part c) of policy CS26 is relevant. It states that a range of 40-60 dwellings per hectare is appropriate where a development is near to Supertram stops and high frequency bus routes in urban areas. The site is less than 500m from Supertram and on a key bus route. The application site is approximately 0.60 hectares and the 4 proposed units would give a density of approximately 67 dwellings per hectare. This figure, although slightly above the suggested range in CS26, makes efficient use of the site whilst maintaining the area's character (by reflecting the scale and appearance of neighbouring properties - discussed in more detail below). It is also worth noting that density is less meaningful on small sites as a small change of one unit can make a significant difference to the density calculations. Furthermore, the prevailing character of the wider area is a mix of flats, townhouses and terraced dwellings which are close to the back edge of the footpath and at relatively high density.

The proposed density of 67 dwellings per hectare reflects the character of the area and is considered acceptable in policy terms providing that the resulting scheme would provide acceptable living standards, which is assessed in the sections below.

As such the proposal complies Policy CS26 of the Core Strategy and paragraphs 124 and 125 of the NPPF in relation to densities and the efficient use of land.

Design

Core Strategy policy CS74 'Design Principles' requires development to enhance distinctive features of the area, which is also reflected in UDP policies H14 'Conditions on Development in Housing Areas' and BE5 'Building and Design Siting' which expect good quality design in keeping with the scale and character of the surrounding area.

Chapter 12 of the NPPF requires good design, whereby paragraph 126 states that good design is a key aspect of sustainable development and should contribute positively

towards making places better for people. Paragraph 134 states that development which is not well designed should be refused.

It is considered that the design policies within the UDP and Core Strategy reflect and align with the guidance in the NPPF and so can be afforded significant weight.

The development proposal seeks to provide two pairs of semi-detached residential dwellings (four in total) with undercroft car parking. Due to the topography of the area, which rises steeply up from the north, the building will be cut into the slope, resulting in three above ground storeys to the front, facing Walkley Lane, and two storeys to the rear, plus accommodation in the roof.

Access into the site will be taken at the western end of the Walkley Lane frontage. The shared parking area will be partially screened from the street by a brick boundary wall and brick built bin store with green roof.

The proposed properties will be clad in grey brick on the lower level and red brick on its main facades. The windows are shown to be grey upvc windows, with brick soldier course detailing above. Glazed balconies are proposed at first floor level on the front elevation.

The proposed building will sit slightly behind and at a similar scale to no's 41-91 Walkley Lane to the immediate west, with an inset of approximately 1.5m from much of the common boundary. To the east it will project forward of no's 5 (Kimberley Court) and 7 (Salisbury Court) Walkley Lane, which sit at a higher level and are set away from the common boundary. In this location the development sits comfortably between and mitigates the existing differences in the positions of the neighbouring property's principle elevations.

There are a mixture of house styles and designs in the surrounding streets. The proposed development takes a simple contemporary approach to its design. The proposed dwellinghouses are of a scale and mass that respects the character of the area and as amended, they are considered to sit comfortably within the existing urban street scene.

The proposal therefore complies with H14, BE5, CS74 and paragraphs 126 and 130 of the NPPF.

Living Conditions

Policy H14 'Conditions on Development in Housing Areas' part (c) requires that new development in housing areas should not cause harm to the amenities of existing residents. This is further supported by Supplementary Planning Guidance 'Designing House Extensions' (SPG) which whilst strictly relevant to house extensions, does lay out good practice guidelines and principles for new build structures and their relationship to existing houses.

The NPPF, at paragraph 130 part f), requires a high standard of amenity for existing and future users.

The UDP policy is therefore considered to align with the requirement of paragraph 130 so can be given significant weight.

Impact on Neighbouring Occupiers

Relevant Guidelines in the adopted Supplementary Planning Guidance on Designing House Extensions relating to overbearing and overshadowing impacts, privacy and

overlooking include: the requirement for two storey dwellings which face directly towards each other to have a minimum separation of 21 metres (guideline 6); two storey buildings should not be placed closer than 12 metres from a ground floor main habitable window; and a two-storey extension built along site another dwelling should make an angle of no more than 45° with the nearest point of a neighbour's window (guideline 5). These guidelines are reflected in the South Yorkshire Residential Design Guide (SYRDG), which Sheffield considers Best Practice Guidance, but which is not adopted as Supplementary Planning Guidance.

The closest neighbouring properties to the application site are those flats along Woodview Road to the rear of and elevated above the site and no's 5-7 and 41-91 Walkley Lane. Dwellings on the opposite side of Walkley Lane sit below the level of the highway a minimum of 26 metres away.

Main habitable windows in the proposed development are located in the front and rear of the properties. No windows are proposed in the gable ends. The rear elevations of the proposed properties are located approximately 15m from the rear elevations of the flats on Woodview Road. However, these neighbouring properties are elevated to a degree that they will more or less have views over the roof of the proposed dwellings. Openings in the rear elevation of the proposed properties will look onto the existing high retaining wall that runs along the rear boundary. As such the privacy levels of neighbours will not be compromised.

Both No's 5-7 and 41-91 Walkley Lane are clear of the 45 degree angles of clearance designed to prevent unreasonable overbearing or overshadowing impacts. No's 5-7 also sit at a higher level and have garage accommodation on the ground floor.

The proposed rear gardens are raised above street level (with parking below), approximately 1.4m above the level of the terrace immediately to the rear of no's 41-91 Walkley Lane. In order to prevent the proposed boundary treatment from having an overbearing impact on this neighbouring terrace, the building and a part of the rear garden have been set away from the common boundary by 1.4m. This separation also improves the streetscene elevation and will allow access for the future maintenance of both sites.

Amenity for Future Occupiers

Occupants of the proposed dwellings will have good sized living accommodation over three floors and access to good sized rear gardens in excess of the 50 sqm required by guideline 4 of the SPG. The rear gardens, though south facing, will be in shadow for parts of the day due to the site's topography and presence of development to the rear, but they will receive some direct light and occupants will also benefit from first floor north facing balconies and windows with wide views across the valley to the north.

No's 2-4 Walkley Lane sit further away from Walkley Lane than the proposed dwellings. As there are no openings in the gable of this property it does not overlook the application site. It does have the potential to cause some overshadowing of the rear gardens of the proposed properties, particularly in the winter months, but only in the mid-morning.

It is considered that the proposed dwellings offer good quality living accommodation and that the amenities of the occupants of neighbouring properties will not be adversely affected to any significant degree. The application therefore complies with policy H14 of the UDP and paragraph 130 of the NPPF.

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

UDP Policy H14 'Conditions on Developments in Housing Areas' part d) requires that permission will be granted where there would be appropriate off-street car parking for the needs of the people living there.

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. Paragraph 111 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

The local policies broadly align with the aims of Chapter 9 of the NPPF (Promoting Sustainable Transport) although it should be noted that in respect of parking provision, the NPPF at paragraphs 107 and 108 requires consideration to be given to accessibility of the development, the development type, availability of public transport, local car ownership levels and states that maximum standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or optimising density in locations well served by public transport.

The proposed development has gone through design changes in order to achieve acceptable visibility splays for motorists leaving the site. The initial plans drew objections from the local community on highway safety grounds, and officers shared these concerns in relation to visibility. However, the amended ground floor design relocated the car park access from a central position, to one at the western end of the site frontage. The existing boundary wall and vegetation that protrudes into the highway will be removed, and the visibility splay tarmacked and incorporated into the adopted footway. By undertaking these design changes, the applicant has achieved a visibility splay to the right of 2.4 metres x 46 metres, which is more than sufficient for a 30 mph design speed. In relation to visibility to the left, it is possible to see almost to the apex of the bend in Walkley Lane, just before Lonsdale Road. Accordingly, the visibility splays now accord with national design guidelines, and have been superimposed on a topographical survey to be sure of accuracy.

The vehicular access is 5 metres wide, thereby allowing cars to enter and leave simultaneously. Eight car parking spaces are proposed, with on-site turning space. No indication of bicycle parking is given, so a condition is recommended.

Whilst there will be a small increase in traffic generation from occupiers and visitors to the proposed development, it is not considered that there would be a significant increase in traffic on Walkley Lane that would materially impact on the operation of the highway.

With regard to parking spaces, the Council's revised parking guidelines set out maximum standards in accordance with Core Strategy Policy CS53. Outside of the city centre, a 2-3 bedroom house should have a maximum of 2 spaces, in addition 1 visitor space per 4 houses should be provided. For this scheme that equates to 8 spaces, plus 1 visitor space. Whilst no visitor space is shown, the site is located in a sustainable location with easy access to public transport and facilities in nearby Hillsborough and Walkley. The lack of 1 visitor space is not considered to justify refusal in this instance, particularly as the guidelines are maximum standards and bearing in mind the more up to date guidance in NPPF paragraphs 107 and 108.

It is considered that the access arrangements are safe and that a sufficient amount of car parking is proposed. Accordingly, the proposal is considered to comply with the

UDP, Core Strategy and NPPF policies listed above, and would not have the level of impact that would justify refusal of permission on highway safety grounds as required by the NPPF.

Landscaping and Ecology

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

Policy GE15 'Trees and Woodlands' states that trees and woodlands will be encouraged and protected by planting trees and requiring developers to retain mature trees.

Policy BE6 'Landscape Design' expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation.

CS74 'Design Principles' part a) requires high-quality development that will respect, take advantage of and enhance natural features of the City's neighbourhoods.

These policies are considered to align with the NPPF on the basis that paragraph 130 expects appropriate and effective landscaping and paragraph 131 recognises the contribution of trees to the quality of urban environments. Paragraph 180 sets out principles to ensure that biodiversity and habitats are protected.

A tree report was submitted with the application. It identified the presence of Ivy and Buddleia, now considered an invasive pest. Ash trees are growing in front of the site, against the retaining wall, but these have been cut leaving only metre-tall stumps. In the north west corner of the site is a self-sown Pussy Willow growing behind the gate post, which was probably the original entrance to the site. The tree is very close to the neighbouring property and is recommended for removal.

The most significant tree on the site is a Sycamore growing on a mound of spoil in the south east corner of the site and surrounded by Sycamore saplings. It is approximately 13 metres tall and very close to the boundary wall, with the majority of its crown hanging over the boundary close to the neighbouring properties to the east and south. The spoil in which this tree is growing appears loosely-tipped spoil and is unlikely to provide much stability. It is recommended that the Sycamore be removed before any construction work commences.

The Council's landscape officers are in agreement with the recommendations of the tree report, concluding that retention the remaining trees cannot be justified.

Some replacement planting can be secured through the recommended condition for hard and soft landscaping, along with the proposed green roof to the bin store.

An outline ecological assessment was undertaken in November 2021. It found the site to be overgrown, largely with bramble, grasses and ivy, with occasional regenerating trees.

The semi-mature Sycamore in the south east corner of the plot was found to have no bat potential, though it could support some nesting bird species.

The site is isolated within an urban setting and ecological connectivity value is considered low. There was no evidence of any protected species. One mammal trail was identified, most likely created by an urban fox.

In overall terms the site is of low ecological value. The loss of the existing green space is acknowledged, but the site is overgrown, inaccessible and unused. The site is designated for housing in the UDP and Sheffield is currently unable to demonstrate a five-year supply of deliverable housing sites.

Consequently, the proposal is considered to comply with the UDP, Core Strategy and NPPF policies listed above.

Sustainability

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

- giving priority to development in the city centre and other areas that are well served by sustainable forms of transport.
- giving preference to development on previously developed land where this is sustainably located.

Policy CS 64 'Climate Change, Resources and Sustainable Design of Developments' states that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and function in a changing climate. All developments will be required to:

- achieve a high standard of energy efficiency;
- make the best use of solar energy, passive heating and cooling, natural light, and natural ventilation; and
- use resources sustainably.

At the heart of the NPPF, there is a presumption in favour of sustainable development (paragraph 11), with paragraph 152 stating that the planning system should support the transition to a low carbon future in a changing climate.

The site is located within the main urban area close to a wide range of amenities and transport options. The scheme proposes double-glazed sealed units, energy saving and motion sensor lighting. The applicant also proposed the use of solar/photovoltaic panels.

As the application is for 4 dwellinghouses only, conditions cannot be imposed to secure on-site renewable or low carbon energies, however the proposal is considered to meet the general local sustainability policy requirements of CS63 and CS64 and the NPPF.

Environmental Issues

Environmental Officers have raised no significant objections to the development. From their records the site is identified as potentially influenced by former contaminative uses and as such conditions for ground investigations are recommended.

As Walkley Lane is a well trafficked local road and bus route, conditions for sound insulation are recommended to mitigate road noise.

Policy CS67 'Flood Risk Management' of the Core Strategy states that, amongst other things, the extent and impact of flooding should be reduced through a series of measures, including limiting surface water run-off through the use of Sustainable drainage systems (Suds).

This element of Policy CS67 is considered to align with paragraph 167 of the NPPF which states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The site does not fall within a high or medium risk flood zone that would affect the principle of the development.

To mitigate for surface water run-off, permeable paving to all hardstanding areas is proposed. In addition, a condition requiring the details of surface water drainage works is recommended.

Therefore, the proposal complies with CS67 and paragraph 169 of the NPPF.

Community Infrastructure Levy

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

SUMMARY AND RECOMMENDATION

This application seeks planning permission for the erection of 4 dwellinghouses. Sheffield has updated its 5 year housing land supply position to reflect the deliverability of sites as at 1 April 2021 and can demonstrate a 4 year deliverable supply of housing land. Because the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, the relevant policies for determining applications that include housing should be considered automatically out-of-date according to paragraph 11(d) of the NPPF. The so called 'tilted balance' is therefore triggered, and planning permission for housing should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal would deliver a number of benefits, with the NPPF emphasising the importance of the delivery of housing. The provision of 4 additional homes will contribute to meeting the current shortfall. There would be economic benefits though expenditure in construction, in the supply chain and in local spending from residents. There are sustainable design features including solar PVs. The proposal is not considered to create any significant highway safety issues. The scheme proposes a development at an appropriate scale and mass which sits comfortably within the street scene and there are no harmful impacts on occupiers of neighbouring properties.

There are therefore no adverse impacts that would significantly and demonstrably outweigh the benefits of the development. Taking into account the tilted balance set out in paragraph 11(d) of the NPPF, the application is recommended for approval subject to the proposed conditions.

Case Number	21/03512/RG3 (Formerly PP-09942468)
Application Type	Application Submitted by the Council
Proposal	Erection of an old persons independent living (OPIL) accommodation block up to 4-storeys providing 81 residential units together with communal facilities, associated roads, parking, footpaths and landscaping (Application under Regulation 3 - 1992)
Location	Site of Hemsworth Junior and Infant School Blackstock Road Sheffield S14 1AA
Date Received	04/08/2021
Team	South
Applicant/Agent	Capital Delivery Service
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:
 - SH05925-CDS-ZZ-XX-DR-A-1001 REV P3 (EXISTING SITE & LOCATION PLAN) published 04.08.2021
 - SH05925-CDS-BLS-XX-DR-A-1003 REV P3 (PROPOSED ACCOMMODATION LAYOUT) published 04.08.2021
 - SH05925-CDS-BLS-XX-DR-A-1004 REV P3 (PROPOSED EXTERNAL WORKS LAYOUT AREA 1) published 04.08.2021
 - SH05925-CDS-BLS-XX-DR-A-1005 REV P3 (PROPOSED EXTERNAL WORKS LAYOUT AREA 2) published 04.08.2021
 - SH05925-CDS-BLS-XX-DR-A-1007 REV P4 (Hemsworth Primary Proposed Site Plan Option D2) published 09.12.2021
 - SH05925-CDS-BLS-XX-DR-A-1051 REV P5 (Hemsworth Opil Proposed Floor Plans 1 of 4 Ground Floor Plan) published 09.12.2021
 - SH05925-CDS-BLS-XX-DR-A-1052 REV P5 (Hemsworth Opil Proposed Floor Plans 2 of 4 First Floor Plan) published 09.12.2021
 - SH05925-CDS-BLS-XX-DR-A-1053 REV P5 (Hemsworth Opil Proposed Floor Plans 3 of 4 Second Floor Plan) published 09.12.2021
 - SH05925-CDS-BLS-XX-DR-A-1054 REV P5 (Hemsworth Opil Proposed Floor

- Plans 4 of 4 Third Floor Plan) published 09.12.2021
- SH05925-CDS-BLS-XX-DR-A-1055 REV P5 (Hemsworth Opil Proposed Elevations) published 09.12.2021
- SH05925-CDS-BLS-XX-DR-A-1056 REV P2 (Hemsworth Opil Proposed (Internal) Elevations) published 04.08.2021
- SH05925-CDS-BLS-XX-DR-A-1057 REV P2 (Hemsworth Opil Proposed Section 1 of 1) published 04.08.2021
- SH05925-CDS-FT1-XX-DR-A-1090 REV P2 (Flat Type 1 Floor Plan 1 Bed 2 Person Flat) published 04.08.2021
- SH05925-CDS-FT2-XX-DR-A-1091 REV P2 (Flat Type 2 Floor Plan 2 Bed 3 Person Flat) published 04.08.2021
- HEMS-MMD-XX-XX-RP-C-0001 A (Hemsworth OPIL Flood Risk and Runoff Assessment July 2021) published 04.08.2021
- A102 REV P1 (Section 10) published 19.11.2021

Reason: In order to define the permission.

Pre-Commencement Condition(s)

3. No development shall commence until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority. Such details shall include:

- the means of ingress and egress for vehicles engaged in the construction of the development, including deliveries;
- effective cleaning of wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway;
- parking of associated site vehicles and for the storage of materials;
- location and details of site compound/accommodation; and
- an area allocated for delivery/service vehicles to load and unload.

Thereafter, the construction management plan shall be implemented in accordance with the approved details for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

4. 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.

5. No development shall commence until details of measures to facilitate the provision of gigabit-capable full fibre broadband within the development, including a timescale for implementation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/timescale thereafter.

Reason: To ensure that all new Major developments provide connectivity to the fastest technically available Broadband network in line with Paragraph 112 of the National Planning Policy Framework.

6. No development shall commence until full details of measures to protect the existing tree/s, hedgerows and shrubbery to be retained, 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.

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

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

8. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

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 **Page 71** 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.

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

10. Before above ground works are commenced a Biodiversity Enhancement Management Plan (BEMP) shall be submitted to, and approved in writing by the Local Planning Authority.

The plan shall include the following:

- a) The biodiversity enhancement measures recommended in the 'Hemsworth Former School Site, Project Reference number 0002, Ecological Impact Assessment, November 2021 (published 03 Dec 2021);
- b) Purpose and conservation objectives for the enhancement plan;
- c) A detailed plan of the finished landforms and habitats to be created;
- d) Timetable for implementation;
- e) Persons responsible for implementing the works;
- f) Details of initial aftercare and long-term maintenance;
- g) Details for monitoring and remedial measures;
- h) Ongoing monitoring and remedial measures;
- i) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

Thereafter, the measures and details approved in the BEMP shall be implemented on site.

Reason: In the interests of biodiversity.

11. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

12. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents or similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have

first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall be retained in accordance with the approved measures.

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

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

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

The approved equipment shall then be installed, operated, retained and maintained in accordance with the approved details.

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

14. 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.
- 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.

15. 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.

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

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

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

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

18. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

19. 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.

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

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

21. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter such cycle parking accommodation shall be retained.

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

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

- (a) entrances
- (b) windows, including reveals and relationship with building facade
- (c) glazing
- (d) all external vents and servicing outlets
- (e) railings/screening to apartment balconies
- (f) feature brickwork

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

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

23. Samples of all proposed external materials and finishes including fixing methods (where relevant) 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.

24. A sample panel of the proposed masonry for the apartments 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.

25. Prior to the use of any part of the proposed development, full details of all proposed external lighting to buildings shall have been submitted to and approved in writing by the Local Planning Authority and such signage shall be displayed in accordance with the approved details and thereafter retained.

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

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

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

27. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include:

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

Prior to the occupation of any dwelling, evidence that all the measures included within the approved Travel Plan have been implemented or are committed shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

Other Compliance Conditions

29. 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.

30. The gradient of shared pedestrian/vehicular access shall not exceed 1:12.

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

31. Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
3. The 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 in order to discharge the above condition relating to gigabit-capable full fibre broadband the following should be provided:
 - A contract or invoice for the installation of the physical infrastructure and the connection to gigabit-capable full fibre broadband.
 - Confirmation of the speed that will be achieved by the gigabit-capable full fibre broadband infrastructure, from the network operator.
 - Relevant plans showing the location/detail of the measures.

For more guidance with respect to addressing this requirement please see the Guidance Note on <https://www.sheffield.gov.uk/content/dam/sheffield/docs/documents-not-in-site-structure/new-build-developer-guidance.pdf> and/or contact

hello@superfastsouthyorkshire.co.uk

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

6. 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.

7. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

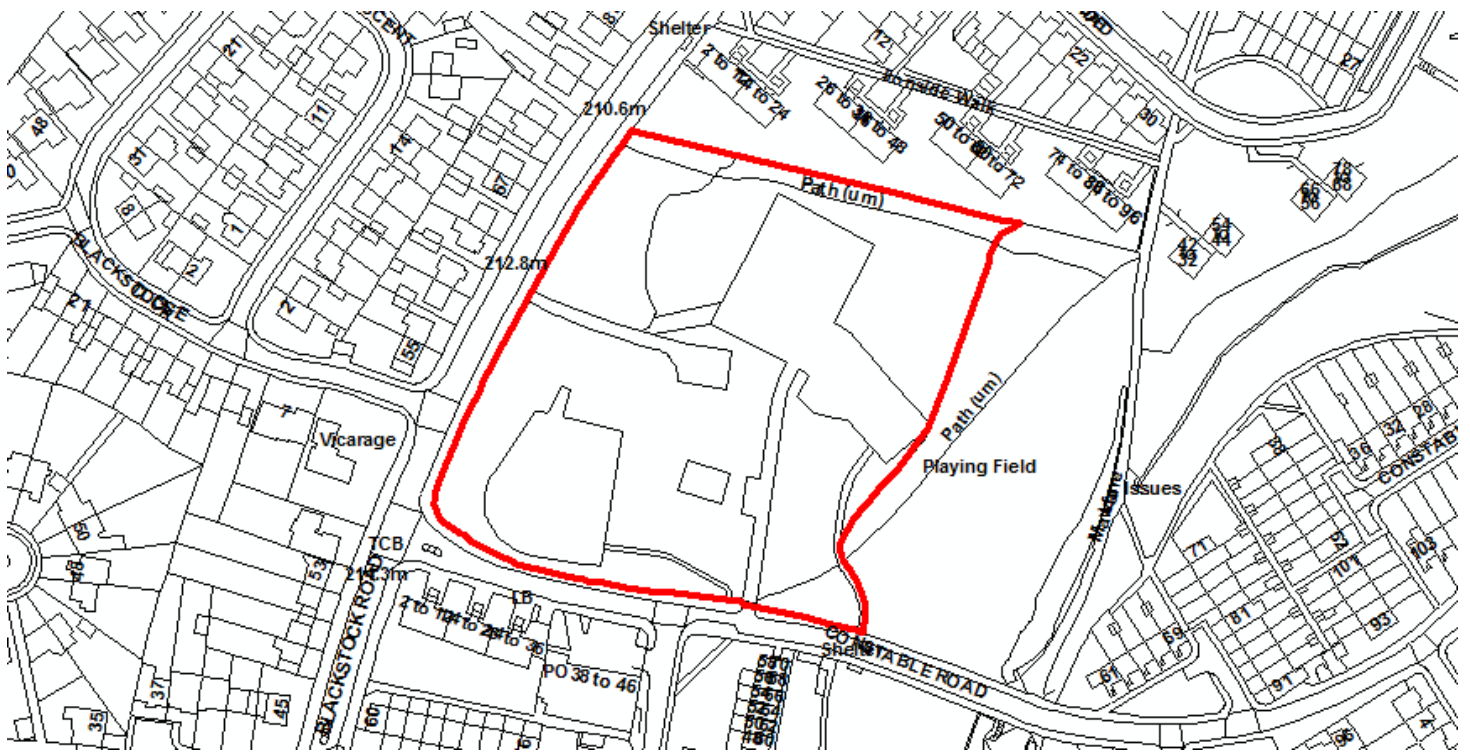
Highway Co-Ordination

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

8. 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.

Site Location



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LOCATION AND PROPOSAL

The application site is a large parcel of land, covering 1.69 hectares in area. It is located to the east of Blackstock Rd, and immediately to the north of the junction with Constable Road. The surrounding area is predominantly residential in nature, with residential properties to the north, west and south. Immediately adjacent the site to its east there is an open playing field, used partly as an unmarked, informal football pitch, featuring one set of junior size goalposts.

The site is covered by two designations within the Adopted Unitary Development Plan. The large majority being a Housing Area, with the remaining portion along the eastern perimeter being Open Space Area.

The site previously accommodated Hemsworth Primary School, which was demolished in 2003. The location of the buildings, parking area and playground remain as hard standings. Along the south and western boundaries there are mature hedgerows. The north-west section of the site includes hedgerows and trees.

The site level drops by approximately 6 metres from its south-western corner, towards its north-eastern corner.

Planning permission is sought for the provision of 'Older Persons Independent Living' (OPIL) accommodation, in the form of a single building comprising 81 apartments, along with communal facilities, café, associated roads, parking, footpaths and landscaping. Highway access would be taken from Constable Road.

RELEVANT SITE HISTORY

02/03035/RG3; Erection of 60 'Extra Care' flats with ancillary facilities and 5 bungalows (outline application under reg 3 1992)
Approved 18.03.2003

06/01292/RG3; Erection of 60 'Extra Care' flats with ancillary facilities and 5 bungalows (outline application under reg 3 1992) (Renewal of outline planning permission - application under Section 73 to vary conditions 2 & 3 (time limit for submission of reserved matters imposed by 02/03035/RG3))
Approved 12.10.2006

20/01915/PREAPP; Pre-application enquiry for erection of 75x older persons independent living apartments, 5x bungalows and associated communal areas

SUMMARY OF REPRESENTATIONS

Following direct neighbour notification, and advertisement by site notice and the press, 9 representations (from 7 addresses) have been received in objection to the proposal along with a 99-signature petition.

Petition

One of the local residents has co-ordinated a petition (99 signatures). The comments at the head of the petition area summarised as:

- an influx of 100 residents with additional staff at this small plot in unsuitable,
- blocks are too high,
- area will become busier with more congestion and pollution,
- removal of shrubs and trees involves removal of wildlife,
- site is better suited for recreation and community, and
- any buildings should be limited to single storey with community's agreement.

The individual representations are summarised as follows:

Highways

- Extra traffic (including ambulances, 24/7 staff access) leading to more noise and pollution. Traffic is already a concern at certain times of day. Noisy location is unsuitable for elderly person's living accommodation.
- Resulting overflow parking in vicinity. Area already has parking issues
- Unclear why Constable Road is used for the access, instead of Blackstock Road.

Design

- 4 storey building is too high, opposite to 2 storey dwellings. Would be an eyesore. Previous schemes remembered as being limited to 3 storeys.
- A relocation towards the woodland would reduce its impacts and result in reduced loss of light.
- Site is already surrounded by high-density flats, so the proposal is inappropriate.

Neighbours' Living Conditions

- Loss of natural sunlight from homes and front gardens
- A street view drawing should be provided to all residents
- Results in loss of green view.
- Overlooking and loss of privacy (raised by occupier of 54 Ironside Walk)
- Breach of the 45-degree rule.

Landscaping / Open Space / Ecology

- Scheme results in loss of local green space; which is habitat for many garden bird species and different flora/fauna. Enjoyed by many local residents for football, picnics and (dog) walking. For those with limited mobility, Herdings and Graves Parks are too far.
- Objection to removal of 90% of the 100+ trees on the site, 500 metres of hedgerow, and the flora of the whole site.
- Wildlife will be displaced, including at least 6 red list bird species, crested newts, bats and many butterfly species.
- Public is being misled by some information submitted with application, such as the tree survey, a wildlife survey undertaken in October (instead of springtime), and use of archive materials instead of site surveys.

General Points

- No impact assessments on the environment, including surrounding residents, air quality, wildlife, traffic or vehicle parking impacts.
- Proposed residents will overlook a car park / the heavily congested Blackstock Road.

Non Planning Issues

- Implications for surrounding house prices.
- Area should be kept for public access
- Full plans should have been sent out to residents.

Positives of Scheme (comments made within objection letters, and not as standalone representations)

- Affordable accommodation for this demographic is valuable and will lead to interaction with local community.
- Staff presence would improve security, and address anti-social behaviour (burglary, vandalism and off-road biking). Site wouldn't be used as 'cut through'.

Gleadless Valley Wildlife Trust (GVWT)

GVWT provided correspondence raising concerns about aspects of the proposal. They are summarised as:

- The Preliminary Ecological Assessment (PEA) recommends an Ecological Impact Assessment, and that breeding bird, reptile and bat activity surveys should be conducted.
- GVWT agrees with PEA's comment that site has moderate suitability for foraging and commuting bats and supports red and amber bird species.
- PEA recommends habitats of medium distinctiveness is retained where possible, and any loss be compensated for by creation of equivalent / higher value or greater area / condition, to achieve net gain to biodiversity. Also advises that design should have buffers for all retained hedgerows, trees and woodland. These recommendations have not been followed in several respects.
- Landscape Masterplan shows >50% of trees and shrubs in the woodland area (NW corner) to be removed, including valuable woodland edge habitat. More should be retained, and a woodland garden approach should be adopted, with majority trees and shrubs retained, including accessible woodland paths and bird feeding stations.
- Landscape Masterplan shows eastern part of site as open amenity grassland, which will be a poor wildlife habitat, and as minimum selected areas of more diverse wildflower meadow needs to be created and managed. Also, selected areas could also be created in the amenity grassland abutting the east edge of the development site as compensation.
- PEA recognises habitats of high quality about the site, without making recommendations for retaining and strengthening links to these adjacent/nearby habitats. This is important and could be achieved by strengthening and thickening hedgerow and hedge buffer habitat and northern and southern boundary hedges.
- Unclear if proposals minimise light pollution to sensitive areas, as recommended in PEA.

PLANNING ASSESSMENT

Policy Background

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

The National Planning Policy Framework (NPPF) provides the framework for the planning policy and development within England. The overarching principle is to ensure that new development is sustainable.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and provides the overall spatial strategy for the period of 2008 to 2026 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. Whilst the UDP pre-dates the NPPF, the policies should not be considered out-of-date and should be given due weight, according to their degree of consistency with the NPPF. The NPPG provides further guidance but states that it is up to the decision-maker to decide the weight to give to ~~the policies~~.

In all cases, the assessment of any development needs to be considered in light of paragraph 11 of the NPPF, which states that there is a presumption in favour of sustainable development. Where there are no relevant development plan policies or policies are not consistent with the NPPF, planning permission should be granted (the tilted balance) unless there are particular areas or assets of particular importance, which provide a clear reason for refusal (eg Green Belt, risk of flooding etc); or any adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the development.

Paragraph 11 of the NPPF also makes specific provision in relation to applications involving the provision of housing and provides that where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites, the policies which are most important for determining the application will be considered out of date. At this current time, the Local Planning Authority cannot demonstrate a five-year supply of sites for housing and therefore there is a presumption in favour of the development. The Framework states that developments should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development.

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

Land Use Policy

The site lies within a well-established housing area and relates to land largely designated as Housing Area, as well as a small portion as Open Space in the UDP. UDP Policy H10 'Development in Housing Areas' permits a number of uses within such areas including small shops, food and drink outlets, residential institutions (C2 use) and community facilities and institutions (Class E and F1), with the preferred use being housing (C3 use).

The proposal seeks to provide independent living accommodation for older people (indicated as over 60 years old), which will be supported by ancillary facilities such as community space/s and a café (which will be open to residents and the community). There is no proposed care provision (only that organised independently by specific residents), and so the accommodation constitutes standard residential accommodation (Use Class C3). This would accord with the preferred use as set out under Policy H10.

Core Strategy Policy CS23 'Locations for New Housing' states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. In the period 2008/09 to 2020/2021, 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 housing); and
- (b) the urban area of Stocksbridge/Deepcar.

In this regard, the site fully meets the policy objective as it is a suitably located site and it supports urban regeneration as it is previously developed land.

Core Strategy Policy CS24 'Maximising the Use of Previously Development Land for New Housing' states that priority will be given to development of previously developed sites with 88% of housing to be developed on brownfield sites and no more than 12% of dwelling completions to be on greenfield sites. The site represents a brownfield site, given that it was previously occupied by a primary school.

Core Strategy Policy CS26 'Efficient Use of Land and Accessibility' requires appropriate housing densities to ensure the efficient use of land. Given that the site is

within an urban area, near to high-frequency bus routes the recommended density is between 40 and 60 units per hectare. Based on the current proposal, a density of approximately 47.9 units per hectare will be achieved. This lies within the recommended range, and so is considered acceptable. The new development will contribute to the City's housing need. It will also provide OPIL, for which there is an identified shortfall through the city according to evidence set out in the Sheffield and Rotherham Strategic Housing Assessment 2018 (SHMA). Overall, the proposal is considered to accord with Policy CS26.

Core Strategy Policy CS41 'Creating Mixed Communities' encourages the creation of mixed communities, which will be promoted by encouraging the development of housing to meet a range of needs including a mix of prices, sizes, types and tenures. Part a) of CS41 seeks to provide a broad range of smaller households in the City Centre and other highly accessible locations, with no more than half of the new homes in larger developments (large developments being defined as 60 or more dwellings) consisting of a single house type. The development will provide 81 older person independent accommodation units, comprising of 1 bed (69%) and 2 bed (31%) units.

Whilst more than half of the development comprises a single unit type, this is considered to be acceptable, as a substantial portion (almost a third) of the units are a different type and include 2 bedrooms. Consequently, the development is not overly dominated by a single house type. It is also of note that OPIL accommodation is characterised by a maximum of 2 bed units, precluding full compliance with CS41a) in any case. On this basis, a satisfactory mix of accommodation is achieved by the development, and the non-compliance with CS41a) is considered to be acceptable.

Core Strategy Policy CS40 'Affordable Housing' requires that sites of more than 15 units will be required to provide a contribution towards the provision of affordable housing where it is practicable and financially viable. In this location, there is a requirement to provide 30% affordable housing. As the development will provide 100% council housing for affordable rent this will meet the requirements of the policy and is to be welcomed given the identified need for such housing.

The south-eastern edge of the site lies within a designated Open Space area and as such, Core Strategy Policy CS47 'Safeguarding of Open Space' is relevant. The Policy serves to ensure there is satisfactory open space available to meet the needs of local people. The policy does not permit development where it would:

- a. Result in a quantitative shortage of either informal or formal open space in the local area; or
- b. Result in the loss of open space that is of high quality or of heritage, landscape or ecological value; or
- c. People in the local area would be denied easy or safe access to a local park or to smaller informal open space that is valued or well used by people living or working in the local area; or
- d. Cause or increase a break in the city's Green Network.

Whilst an Open Space Assessment shows that there is a shortfall of informal open space within the local area, it is of key relevance that the proposal does not include any built development within the 'Open Space' part of the site, with that part of the site instead being shown as amenity grass. Here the existing grassed areas would be made good where required, and general access to these areas would continue to be available. As a result, the proposal is considered to avoid conflicts with policy CS47.

UDP Policy BE5 and Core Strategy Policy CS74 set out the design principles. Policy BE5 requires development to incorporate good design, the use of good quality materials and encourages original architecture. New buildings should complement the scale, form and architectural style of surrounding buildings and the design should take account of the natural and built features of the site.

Core Strategy Policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the City, its districts and neighbourhoods, including (a) the topography; (b) views and vistas to landmarks and skylines into and out of the City Centre; (c) the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials; and (d) the distinctive heritage of the city. Development should also contribute to place-making and be of high quality, that promotes the city's transformation, and contribute towards creating attractive, sustainable and successful neighbourhoods.

UDP Policy H15 'Design of New Housing Developments' expects new housing developments to be designed to:

- (a) provide easy access to homes and circulation around the site for people with disabilities or with prams; and
- (b) provide adequate private gardens or communal open space to ensure basic standards of daylight, privacy, security, and outlook are met for all residents; and
- (c) provide uniform walls or fences around rear gardens next to roads, footpaths or other open areas; and
- (d) provide pedestrian access to adjacent countryside where it would link with existing public open space or a footpath; and
- (e) comply with Policies BE5 (Design), BE9 (Design of Vehicles) and BE10 (Design of Streets, pedestrian routes, cycleways and public spaces).

These policies are broadly in line with the NPPF and are afforded substantial weight. Paragraph 126 states that good design is a key aspect of sustainable development as well as being clear about design expectations. Paragraph 130 states that developments need to contribute towards creating visually attractive, distinctive places to live, work and visit, whilst also being sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change. Developments should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live work and visit.

In 2011 a guidance document was produced, the 'South Yorkshire Residential Design Guide' (SYRDG), which seeks to provide a clear and consistent approach to design in the development management process, the aim being to achieve higher quality neighbourhoods. The document, whilst not adopted by the Council, complements and supports local policies and is considered 'Best Practice Guidance'.

The proposed development has been designed with consideration given to the design principles set out in the guidance, whilst also balancing the needs of the development.

The site was the subject of an Informal Planning Guidance (IPAN) which was prepared by the Council's Planning Service (in November 2019), which sets out the policy framework, the issues and the opportunities. Although not an adopted document, the policies and evidence within it do carry weight in the decision-making process.

The key recommendations in the IPAN for the site are:

- Ensure the required density is achieved.
- Provide a focal building to address the junction of Blackstock Road and Constable Road.
- Retain existing key landscape features including the perimeter hedgerow and trees in the north west corner
- Integrate proposals with the open space and any potential future community facilities on the adjacent site to the east (referred to as Site B)
- Ensure the development provides direct and accessible pedestrian connections to existing and proposed facilities.

Also, a number of specific design principles are set out.

The scheme has been subject to extensive pre-application discussions and the proposals have been reviewed and revised to address all issues raised through this process. The proposal now put forward is in line with those discussions and is positively received.

The layout and arrangement respond positively to the topography and the existing street pattern. The proposed buildings are set appropriately to safeguard the woodland area in the site's north-western corner and the perimeter boundary hedging. The positioning permits the creation of legible frontages along both road frontages, and activity within the site with the provision of external areas and gardens.

The proposed scale and massing achieve a legible development. The proposal essentially includes two separate components; the part running east-west, parallel with Constable Road, and the part running north-south, set further into the site attached by a 1st floor bridge link.

The 1st of these components is largely 3 storeys high, with a 4th storey portion adjacent to the Blackstock and Constable Rd junction. The 4th storey in this location follows the IPAN's direction to create a focal point at this position given the prominent location.

The other element featuring a 4th storey is set into the site as part of the part running north-south and will not be readily visible from Constable Road.

The main part of the development will be a total of 3 storeys. The immediately surrounding area features numerous examples of 3 storey accommodation, to the north and south. Consequently, the proposed building/s would not be out of keeping within the vicinity and would reflect the IPAN's directions in this regard.

The elevations each include vertical breaks to eliminate scope for a slab-like appearance, breaking up the elevations and giving variation. Window arrangements are on the whole regular, however, the proposed balconies add visual interest to ensure that this doesn't become overly repetitive. The window arrangements ensure that large expanses of blank brickwork are avoided.

The main roof form is pitched, however, there are also some flat roofed sections.

Additionally, there are gable features. There are sections of detailed brickwork. These elements retain the overall simplicity, whilst adding variation to the building.

A smooth red brick is proposed, which will give a consistent appearance, mirroring some of the existing surrounding building material. Grey windows are also indicated. No details are indicated for the balconies, but it is anticipated that these will be to match the windows to create a coherent streetscape. More precise material details will be covered by condition.

The proposed car parking will be broken into two separate areas: one adjacent to the Constable Road frontage, and the second further into the site. The first of these would be the more prominent visually but isn't excessively large at around 11 bays. It will also be set below the level of the adjacent public footpath, further lessening its visibility. In terms of surfacing, the circulation areas are indicated to be tarmacked, with the bays being a concrete block paver. This difference in material type will help in breaking up the visual impacts of these parking areas, preventing them becoming visually dominant.

The design of the accommodation has also been developed with South Yorkshire Police, following their recommendations to achieve a safer and more secure development for future occupants.

The proposal is considered to achieve a high-quality development, which will blend into the existing landscape and townscape. Precise details of materials, signage, lighting and large-scale details will be secured by condition.

Overall, the proposal will be considered to comply with the above local policies and aspects of the NPPF.

Landscaping

UDP Policy GE15 'Trees and Woodland' requires the retention of mature trees, copses and hedgerows, where possible, and replacement of any trees which are lost. This is consistent with Paragraph 174 of the NPPF, which sets out that planning decisions should enhance the natural and local environment and makes reference in part (b) to the economic and other benefits of trees and woodland.

A Tree Survey and a detailed landscape masterplan have been submitted in support of the application. The Tree Survey identifies the trees present at site and applies a 'Tree Quality Assessment' grade to each specimen / group. The Survey does not incorporate the north-western portion of the site which features the woodland area, since this is not affected by the proposals. Of the portion of the site affected by the scheme, a total of 8 individual trees and 4 groups (2 having 2 trees, a third having 6 trees and the 4th having 50+ items forming a mixed hedge largely of hawthorn and leylandii, with the odd ash and sycamore) are identified. The 50+ item mixed hedge runs eastward into the site from its western boundary.

With the exception of a single tree identified as being Category A, and three being Category B, the remainder are identified as Category C.

The proposed scheme would retain the Category A tree (located immediately adjacent to Constable Road) and involve the removal of the remaining trees and 50+ item mixed hedge. Simultaneously, the proposal's Landscape Masterplan shows the planting of a total of 53 trees. It is also of key relevance that the proposal retains the woodland area at the north-west portion of the site as a key feature and seeks to integrate with it for optimum outcomes in landscaping and ecological terms. Also retained are the boundary hedgerows, which form a significant feature of the site, as well as contributing to the character of the area.

As the scheme involves the retention of the woodland area and the best quality and most prominent tree within the site and proposes significant new tree planting, the scheme is acceptable in landscaping terms. As such the proposal would meet with the requirements of the relevant policies referred to above.

The landscape masterplan provides communal gardens, a kitchen garden and a communal plaza. There will also be a mix of hard and soft landscaping featuring

benches and pergolas. Overall, the submitted details are considered satisfactory, and more precise information will be secured by condition.

The proposal is considered to satisfy the requirements of the relevant local and national policies in this regard.

Sustainability

Core Strategy Policy CS24 seeks to maximise the use of previously developed land for new homes. Development of this site will contribute towards the achievement of this aim.

Core Strategy Policy CS64, which relates to climate change, resources and sustainable design of developments, requires that all new buildings to be designed to reduce emissions of greenhouse gases and function in a changing climate.

Core Strategy Policy CS65, which relates to renewable energy and carbon reduction, requires that all significant developments should provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

These policies are consistent with the NPPF (para. 157) which states that in determining planning applications, Local Planning Authorities should expect new development to:

- a) Comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

A Sustainability Statement has been provided with the application and acknowledges the importance of energy efficiency, material selection and drainage. Measures such as thermal fabric efficiency, air tightness and effective heating controls will be incorporated. Overall, the requirements of Policy CS65 are understood, and it is stated that the unit types will achieve a saving of at least 10% in energy demand.

A condition will be imposed to ensure appropriate measures are implemented, thereby complying with the above policy's requirements.

The Climate Change and Design SPD (at Guideline CC1) requires the provision of green roofs (covering at least 80% of the roof space) for major schemes, unless it's shown to not viable or if they would be incompatible with other design and conservation considerations.

For sound design reasons the proposed buildings use pitched roofs. These make the utilisation of green roofs impractical and in this instance, it is considered appropriate not to pursue them.

The proposal is considered to be satisfactory in regard to the above local and national policies covering sustainability issues.

Residential Amenity

UDP Policy H14 'Conditions on Development in Housing Areas' permits new development provided that:

(c) 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; and

(d) it would not suffer from unacceptable air pollution, noise or other nuisance or risk to health or safety.

This is in line with NPPF paragraph 130 f) which states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Noise and Disturbance

The site is in a residential area, although vehicular movements at Blackstock Road are reasonably high. No noise assessment was required as part of the application. However, to ensure that the residential accommodation achieves a satisfactory internal noise climate, conditions are recommended to be imposed.

The construction works will take place near to existing residential properties, and as such there is a potential for impact on existing residents as a result of noise, vibration, dust, and light from site security. It will therefore be necessary to require the developer to provide a Construction Environmental Management Plan (CEMP), which will cover all phases of any site clearance, groundworks and above ground level construction. This will ensure that the amenity of existing residents will be maintained during the construction phase. An appropriate condition will be imposed.

Odours

The proposed development will provide a café facility in the main block, which will serve the residents and be open to the public. At this stage it is not clear as to what type of cooking will take place on the premises. Careful consideration will be required of how fume extraction systems will be ducted to achieve dispersion at height if any commercial kitchen is proposed. There is a potential for noise from any proposed fume extraction systems and so to ensure that future residents of the building will not be adversely affected by odours and noise from any future fume extraction system, appropriate conditions will be imposed to secure full details of such equipment.

The proposed café and community hall will be an integral part of the main block and will primarily serve the needs of future residents. It is not considered that the operation of these facilities will create any additional noise which is to the detriment of future residents of the building and as such, it is not considered necessary or appropriate to impose conditions to restrict opening hours.

Amenities of Future Occupiers and Existing Residents

Future Occupiers

The proposal will provide 1 and 2 bed apartments. All the apartments are Category 2 adaptable homes in line with Approved Document M (Building Regulations), and 10% of homes are Category 3 wheelchair accessible.

The internal layout will achieve current space standards and will provide sufficient natural light and outlook to the individual apartments and rooms.

The residential accommodation will feature several breakout spaces and communal areas across the respective floors. There will also be resident access to the community

café and meeting facility. All units will have their own balconies and access to the communal gardens, which will feature outside seating and provide a secured landscaped environment.

Each section of the building will be served by appropriate bin storage facilities, cycle storage facilities and mobile scooter accommodation. Residents will have access to the communal hall facility and café also.

The layout of the buildings is arranged to avoid any significant overlooking between individual apartments. The buildings' shape and orientation enable all apartments to gain am and/or pm sunlight.

The outlook achieved from the apartments will be acceptable, giving views over adjacent open fields, the communal gardens or the activity found on neighbouring streets.

Existing Residents

Regarding impacts on existing residential properties a number of concerns have been raised within representations. However, the proposal is not considered to have adverse effects. The nearest properties on the opposite side of Blackstock Road would be separated by approximately 30 metres from the proposal. Whilst the relevant facing elevation features habitable windows and balconies, this separation distance along with the intervening highway, would prevent the generation of any harmful overlooking and resulting harms to privacy. Also, the separation distance is adequate to ensure that the proposed building, which includes a 4 storey portion at the Blackstock / Constable Road junction focal point would not have overbearing impacts, either visually or in regards to loss of sunlight to neighbours on the opposite side of Blackstock Road.

The nearest properties to the north (Ironside Walk) do not have a view directly out toward the end elevation of the proposal. The end elevation includes 3 non-habitable windows and 6 secondary windows to habitable spaces. It is separated from the nearest neighbour by approximately 27metres. Other Ironside Walk properties do have a more direct view of the proposal, but these are separated by approximately 35metres from the proposal. Whilst it is proposed to raise land levels by 600-700mm in this portion of the site, the absence of primary habitable windows, the respective separation distance and the communal open-space nature of the intervening area adjacent to the neighbouring properties means there is not considered to be any potential for detrimental effects caused by overlooking, overbearing or loss of light impacts.

The residences to the south (Constable Road) are separated by approximately 40 metres. This is considered adequate to prevent any detrimental impacts upon privacy, particularly with the intervening highway. The separation distance would also prevent the generation of overbearing impacts.

Overall, the proposal is considered to avoid leading to significant impacts of overlooking and overbearing, and to avoid any significant loss of light to existing neighbouring properties.

On this basis, it is considered that the proposed development will provide acceptable accommodation for future residents of the site. It is also considered that amenities of existing residents will not be adversely affected. As such, the proposal will accord with UDP Policy H14 and the relevant NPPF paragraphs.

Highways

UDP Policy H14 'Conditions on Development in Housing Areas' permits new development provided that (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.

The NPPF seeks to focus development in sustainable locations and make fullest possible use of public transport, walking and cycling. Paragraph 111 adds that development should only be prevented on highway grounds if there would be unacceptable impacts on highway safety, or the residual cumulative impacts on the road network would be severe.

The site is in a location which offers a high frequency bus route, giving good links to the city centre.

The proposal seeks to take access from Constable Road. This is because the site's topography does not enable taking access from Blackstock Road without excessive and prohibitive releveling works. Constable Road is considered to form an acceptable location for the primary access. The layout provides safe access/egress to all buildings, with adequate manoeuvring available for service and emergency vehicles.

The level of traffic generated by the proposal is estimated as 14 two-way trips in the AM peak (0800-0900) and 15 in the PM peak (1700-1800). The Highway Officer confirms that this level of additional vehicular movement can be accommodated on the highway network with no adverse impact on either capacity or safety.

The development comprises of 81 apartments for older people (Aged 60 yrs+). The current Sheffield City Council Parking Guidelines do not provide information specific to this type of use. Provision for similar types of use has been based on 1 space per 3 units. The proposed provision of 43 bays is higher than this, however this is considered prudent given that it is likely that the proposal will feature a degree of staffing and home-visits from care professionals depending on resident's requirements, and as it is vital to ensure that the development does not create any significant level of on-street parking demand. It is therefore considered that the proposed level of parking is acceptable.

Secure cycle parking and scooter parking provision will be made available as part of the development. Full details will be covered by condition.

Subject to conditions relating to a travel plan to encourage future occupants and staff towards more sustainable forms of transport and in relation to cycle/scooter storage, the proposed development is considered acceptable, with no adverse impact on the highway network. As such, the proposed development will accord with UDP Policy H14 and the NPPF.

Drainage

Core Strategy Policy CS67 requires developments to significantly reduce surface water run-off from the site.

A Drainage Strategy has been submitted and reviewed by Yorkshire Water. They confirm no objection to the proposed drainage strategy, and advise a condition is applied securing implementation of this. The strategy identifies that surface water will discharge to the nearby watercourse, with connections being subject to Environment Agency and Local Land Drainage Authority requirements.

Should the agreement of the Environment Agency/Drainage Authority not be secured alternative arrangements will need to be devised. This could potentially involve

discharge to the public sewer, although further consultation with Yorkshire Water would be required around this.

Appropriate conditions will be applied to cover these circumstances.

Ecology

UDP Policy GE11 requires that the natural environment is protected and enhanced. The design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

Paragraph 174 of the NPPF states that development should minimise impacts on and provide net gains for biodiversity. The local policy requirement to protect and enhance the nature environment strongly reflects the relevant policy in the National Framework and so can be offered substantial weight. The key principle of the NPPF is to conserve and enhance the natural environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

A Preliminary Ecological Assessment (PEA) was submitted at the outset of the application. This has been followed with an Ecological Impact Assessment document (EclA).

The PEA has been reviewed by the City's Ecologist. It is noted that it was completed in late October (which is a sub-optimal time of year) and that it is two years old and so is at the end of its shelf life. This is considered acceptable as it has been followed by further survey work through the summer of 2021, and the recent submission of a report detailing these surveys.

The Council's Ecologist agrees with the PEA's main recommendations, which are:

- Retain the block of woodland (NW corner of the site) and all boundary hedgerows. Enhance these where possible with additional native species planting.
- On-site lighting (during the construction phase and in the completed development) should avoid illuminating ecologically sensitive areas such as the block of woodland, hedgerows and the strip of woodland (at the east of the site).
- Clearance of scrub vegetation to avoid the bird nesting season (March 1st – August 31st). If this is not possible, a check must be made by a suitably qualified ecologist.
- Best practice measures as per the PEA for the protection of terrestrial mammals during construction works.

In addition, a number of additional biodiversity enhancements are recommended, covering bat and bird boxes, native landscaping and bee/insect hotels.

As mentioned, the additional EclA has recently been submitted, making a number of recommendations. These are as follows and are also agreed with by the Council's Ecologist. The recommendations are as follows:

- Hedgerow to be reinforced with additional planting. A wildlife corridor to be formed by a 3-4m wide strip of unmanaged vegetation along the hedgerow.
- 8 bat boxes to be incorporated around the site.

- Provision of an artificial sett to compensate for the loss of the badger sett discovered as part of the EclA investigation works. To involve South Yorkshire Badger Group. Artificial sett to be within fenced, woodland area.
- 8 bird boxes to be incorporated into site, to compensate for the loss of the trees / shrubbery within the site and the loss of some nesting opportunities.

These suggested measures are considered appropriate by the Council's Ecologist, and as a result a Biodiversity Enhancement Management Plan will be required by condition as part of the approval.

Land Contamination

A Phase 1 Geo-Environmental Preliminary Risk Assessment and a Phase 2 Geo-Environmental Intrusive Investigation have been submitted with the application. The Environmental Protection Service (EPS) has reviewed the documentation and confirmed that it is satisfactory.

Conditions will be imposed to ensure a Remediation Strategy is prepared, approved and followed, and that such remediation measures are appropriately validated.

Archaeology

The main issue relevant to the site is the potential for as yet unknown archaeological evidence to survive in any undisturbed areas. The submitted archaeological desk-based assessment doesn't go into detail about the extent of disturbance that would have been caused by the construction and demolition of the school. However, the Phase 2 geo-environmental report on test pitting and boreholes provides additional useful information, saying "Made ground was encountered across the entire site... likely associated with the demolition of the former structures".

Therefore, it is indicated that the site has been disturbed, even outside the footprint of the former buildings, which indicates a low potential for archaeological evidence to survive. As a result, the South Yorkshire Archaeology Service do not have any comments to make in relation to the proposal.

Public Art

No details have been provided relating to public art, however UDP policy BE12 requires the provision of public art as an integral part of major developments. It is recommended that a condition is imposed upon any approval which requires the Applicant to put forward a strategy that includes a timetable for the design development, implementation on site and completion date etc. This would achieve compliance with Policy BE12.

Broadband

A strategy has been agreed across the region to secure broadband infrastructure/connections in new development, in order to promote connectivity. Currently this is being achieved through the planning system, and therefore a condition requiring the provision of full-fibre broadband capabilities will be incorporated into any approval.

Community Infrastructure Levy

The proposal will provide old persons independent living accommodation, which comes under retirement, assisted living accommodation, and as such will be exempt from a contribution under the Community Infrastructure Levy (which was introduced in July 2015).

RESPONSE TO REPRESENTATIONS

The majority of comments raised in representation have been addressed above. In regards to the remaining points, the additional feedback can is provided:

- The planning system does not give any protection of views, and as a result this issue does not form a material planning consideration.
- Reference is made to the '45 degree rule, which is understood to relate to an aspect of the Council's Designing House Extensions – Supplementary Planning Guidance, and applies to 1st floor level extensions adjacent to boundaries. As such, it is not relevant to the current assessment.
- The Tree Survey contains accurate and adequate information. The additional ecological survey work has been included in an additional Ecological Impact Assessment document.
- Implications upon surrounding residents are considered as part of the general planning assessment, but there is no submission within the application that assesses these matters.
- It is identified that vehicle movements are not significant, and therefore the scheme would not lead to negligible implications in air quality terms.
- Impact of development on house prices does not form a material planning consideration.
- The application is required to be considered on its merits, and it is not possible to simply conclude that the site should instead be left for public access. However, it is worth noting that a portion of the site will continue to be available for public access.

SUMMARY AND RECOMMENDATION

The redevelopment of this site is welcomed, and it will make a significant contribution to the Council's 5-year housing supply and to the City's specific housing needs. It is considered that the proposal represents a well-considered sustainable scheme which responds well to the site context.

Having regard to all the key issues which have been addressed in this report, it is considered that the development is in accordance with the Development Plan and the National Planning Policy Framework and will provide wider public benefits which in this case is the significant contribution of affordable specialist older persons housing, which is currently in short supply given the ageing population, and the redevelopment of the site with a high-quality sustainable development.

As Sheffield cannot demonstrate a 5-year housing supply, the "tilted balance" applies in this case and the most important policies for determining the application are automatically considered to be out of date. It therefore follows that planning permission should be granted for this development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The report demonstrates that the benefits in this case very clearly outweigh any minor harm. It is therefore recommended that planning permission be granted subject to the listed conditions.

Case Number	21/00407/FUL (Formerly PP-09446351)
Application Type	Full Planning Application
Proposal	Demolition of cartshed and erection of a dwellinghouse (relating to plot 11 of existing planning permission 18/03187/FUL)
Location	Totley Hall Farm Totley Hall Lane Sheffield S17 4AA
Date Received	29/01/2021
Team	South
Applicant/Agent	Artreum Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

- Drawing Number 1014-01-01-01 REV B (SITE LOCATION PLAN) published 15.12.2021
- Drawing Number 1014-01-01-04 REV B (PROPOSED STREETSCENES) published 11.11.2021
- Drawing Number 1014-01-01-03 REV A (PROPOSED FLOOR PLANS & ELEVATIONS) published 06.01.2022
- Drawing Number 1075-009 REV - (UNIT 11 - PROPOSED FOUNDATION WORKS) published 15.12.2021

Reason: In order to define the permission.

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

3. Any remediation works recommended in the Lithos Report Ref: 3646/1a; Dated January 2021 - Phase II Intrusive Site Investigation Report approved under Application Reference 18/03187/Cond1 shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

4. No development shall commence until full details of measures to protect the existing trees to be retained, 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)

5. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

6. 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.

7. The development shall proceed in accordance with the details of foul and surface water drainage disposal as approved under 18/03187/COND1 and 18/03187/COND2 in pursuit of **Page 96** Conditions 6, 23 and 25 of 18/03187/FUL.

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

8. The development shall proceed in accordance with the details of archaeological investigation as discharged under 18/03187/COND1 in pursuit of Condition 7 of 18/03187/FUL.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

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

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

10. The dwellinghouse shall not be occupied until the highway improvements as approved under Condition 13 of 18/03187/FUL, via Application Reference 18/03187/COND1 have either:

a) been carried out; or

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

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

11. Samples of all proposed external materials and finishes, including windows, doors, heads and cills, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

12. 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 the commencement of development:

Windows

Window reveals

Rooflights

Doors

Eaves and verges

External wall construction

Rainwater goods

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

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

13. 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.

14. The design and location of all new external light fittings shall be approved in writing by the Local Planning Authority prior to installation. Thereafter the development shall be carried out in accordance with the approved details.

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

15. The development shall proceed in accordance with the details of hard and soft landscaping as approved under 18/03187/COND1 in pursuit of Condition 21 of 18/03187/FUL.

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

16. Bat boxes (1 x No) and bird boxes/nest cups (2 x No) shall be provided within the site prior to occupation in accordance with details to have first been submitted to and approved in writing by the Local Planning Authority. Thereafter these features shall be retained.

Reason: To protect opportunities for wildlife.

17. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

Other Compliance Conditions

18. All removal / demolition works affecting the northern elevation of the remaining cart shed building shall be carried out in full accordance with the details identified in Section 4.2.1 (Method Statement) of the QUANTS Environmental Totley Hall Farm, Sheffield, South Yorkshire - Updated Bat Survey Report June 2021 Reference No. 1571-2 Version 1.

Reason: To protect opportunities for wildlife.

19. All rooflights shall be conservation style whereby no part of the rooflights shall project above the surface of the roofing slates unless otherwise approved in writing by the Local Planning Authority

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

20. The development shall not be occupied unless the hardstanding areas of the site are constructed of permeable/porous materials. Thereafter the approved permeable/porous surfacing material shall be retained.

Reason: In order to control surface water run-off from the site and mitigate against the risk of flooding.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking and re-enacting the order) no additional windows or other openings shall be formed in the elevations of the building hereby permitted without the prior written consent of the Local Planning Authority.

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

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Part 1 (Classes A to E inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwelling shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: To ensure that the traditional architectural character of the dwellings is retained and there is no visual intrusion which would be detrimental to the amenities of the locality.

23. 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.

24. Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

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

25. All works within the root protection zones of trees to be retained shall be conducted using hand tools only.

Reason: In order to limit the damage to retained tree root systems

26. Unless otherwise approved by the Local Planning Authority the site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: To ensure satisfactory drainage arrangements.

27. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no building shall

be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure satisfactory drainage arrangements.

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 is located on the western side of Totley Hall Lane within the Totley Conservation Area. The site rises quite steeply from Totley Hall Lane towards Totley Hall Croft.

The current application site forms part of a wider site, which previously formed a small farmyard complex occupying a total of approximately 0.41 hectares.

To the north of the site is a combination of farm conversion and new build dwellings, formerly Hall Lane Farm, and now known as Totley Mews. This development received permission in 2006.

To the west are late C20th two-storey dwellings of Totley Hall Croft. The nearest rear elevation is approximately 15 metres from the site boundary.

The main body of the current application site lies in the northwest corner of a broader site, and features a cart shed building. The broader site, including the current application site, already benefits from permission (full planning and listed building consent) for conversion of the original farmhouse into dwellings, and for the erection of 4 detached dwellinghouses. As part of these previous permissions the cart shed was approved to be converted to a two bedroomed dwelling. The previous approvals have been implemented and construction works are underway.

The current application instead seeks permission for removal of the cart shed, and construction of a two bedroomed dwelling in its place. It would continue to be accessed from Totley Hall Lane, using the wider site's point of access.

REPRESENTATIONS

After direct neighbour notification, the placement of site notices and publication of a press advertisement relating to the application 12 representations were received from 7 addresses. They are summarised as follows:

Design Issues

- Any new dwelling should match the existing building's materials, footprint, height and scale. Proposal building exceeds size of what was previously approved. Forms 2.5 storeys, instead of approved 1.5 storeys. Would be up to half a metre wider than original. Involves building up ground levels by around 1 metre from existing. Proposal shows new gable constructed in artificial stone.

Overall, increase in density on an already too dense site.

- More accommodation is proposed, than was previously approved.
- Failure to comply with NPPF which seeks high quality and sensitive design.

Conservation Issues

- Cart Shed is of historical interest, built in 1780 and identified as a Building of Townscape Merit in Totley Conservation Area Appraisal. Conflicts with previously submitted documentation.

- English Heritage and Planning Policy Guidance Note 15 stress importance of protecting such buildings.

- Any issues with building would have been known at its purchase. Building's condition is no different from the previous application. Original land levels have also not changed since original application.

- Construction of a modern dwelling in proximity to the 18th century farmhouse alters ambience.

Neighbour Amenity

- Rebuilding any higher would obscure view / change outlook (raised by occupier of 21 Stocks Green Drive). Exacerbated by elevated level of application site (compared to 4 Totley Hall Croft).
- Windows will lead to overlooking (raised by occupier of 21 Stocks Green Drive).
- Removal of trees will result in view of a new housing estate, and not heritage buildings.
- Proximity to boundary leads to dominating / overbearing impacts created by the larger size of the building compared to the pre-existing.

Trees / Landscaping

- Building will sit under the adjacent, large mature tree, within the canopy and cause it damage. Trees important for biodiversity and clean air.
- Woodland Trust have advised a neighbour to contact Planning Department, as to whether trees' root protection areas (in light of the relevant British Standards) have been considered as part of application.
- Tree T15 is referred to in the initially submitted Tree Survey as including defects. When these were addressed in September 2018 it deemed to be ok and it was advised further cutting would destabilise tree. Any works to this tree should be rejected. T15 is home to a squirrel family, so removal would harm wildlife. The identified children's play area no longer exists, so report is out of date. Tree Report covers changes in levels, but drawings don't make these clear, which is a deliberate attempt to mislead. Any level changes near to T15 would harm/kill it.
- September 2021 Tree Survey refers to Tree T2 as being in land 3m higher than the site, when level difference is just over 1m. So proposed works / excavations are likely to undermine integrity and stability due to proximity.
- Conflict with UDP policy GE11 and Planning Guidance (Guideline 7).

Ecology

- Anecdotal evidence that bats and red-list birds nest on site, and potentially inside Cart Shed.

Other Issues

- Drawings show number of changes to the level of Plots 12 and 13 (units 8 and 9) from the previous approval, which will need further planning permission.
- Site Location Plan appears to include some land not under the Applicant's ownership.
- Street scene drawing (submitted in July 2021) shows an error in floor level height detail. Also, the proposal is larger than existing building but is shown as matching / similar.

STANDARD LETTER

26 signed copies of a standard letter have been submitted. The comments made are summarised as:

- Totley Conservation Area identifies building as a Building of Townscape Merit. English Heritage advice states Cart Shed makes a positive contribution to the character and appearance of the Conservation Area. The CA appraisal identifies that such buildings give the area its special architectural and historic interest, and there is a presumption these features should be preserved and enhanced as required by legislation.
- English Heritage and Planning Policy Guidance Note 15 stress importance of protecting such buildings.

- The adjacent way tree (i.e. a prominent tree, presumed to have historically been used for navigation – explanatory note added by Planning Officer) is of local historic interest. Query who would be liable for property damage/injury/death.
- Anecdotal evidence suggests bats and red list birds nest on site and potentially inside the Cart Shed. A full bat survey should be done / shared before any decision is undertaken.

A 2ND standard letter has been signed by 1 person also. It is summarised as:

- The designation of the Conservation Area requires special attention to be given to desirability of preserving or enhancing the character or appearance of the Conservation Area.
- CA appraisal identifies Cart Shed as a Building of Townscape Merit. English Heritage advice judges building to make a positive contribution to the character and appearance of the conservation area. English Heritage and Planning Policy Guidance Note 15 stress importance of protecting such buildings.
- CA Appraisal states these features which give architectural and historic interest should be preserved and enhanced. Also, that the Conservation Area is designated because of such features and recognises significance of Totley Hall Farm in context of area's architectural and historic interest.
- Affects structural integrity of significant trees (in particular the way tree). Construction adjacent to the way tree's rootball. Query who would be responsible for damage arising from trees' limb collapse.
- Impacts on protected species (ie bats, nesting swallows and hedge sparrows- rare breed), which nest on site and potentially in Cart Shed. Full bat survey should be undertaken.

PLANNING ASSESSMENT

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

The National Planning Policy Framework (NPPF) provides the framework for the planning policy and development within England. The overarching principle is to ensure that new development is sustainable.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and provides the overall spatial strategy for the period of 2008 to 2026 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998.

Whilst the UDP pre-dates the NPPF, the policies should not be considered out-of-date and should be given due weight, according to their degree of consistency with the NPPF. The NPPG provides further guidance on this but it does state that it is up to the decision-maker to decide the weight to give to the policies.

In all cases, the assessment of any development needs to be considered in light of paragraph 11 of the NPPF, which states that there is a presumption in favour of sustainable development. Where there are no relevant development plan policies or policies are not consistent with the NPPF, planning permission should be granted (the tilted balance) unless there are particular areas or assets of particular importance, which provide a clear reason for refusal (eg Green Belt, risk of flooding etc); or any adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the development.

Paragraph 11 of the NPPF also makes specific provision in relation to applications involving the provision of housing and provides that where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites, the policies which are most important for determining the application will be considered to be out of date. At this current time, the Local Planning Authority cannot demonstrate a five-year supply of sites for housing and therefore there is a presumption in favour of the development. The Framework states that developments should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development.

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

LAND USE

The site continues to be located in an allocated Housing Area as defined in the Adopted Unitary Development Plan. As such the principle of redevelopment of the former cart shed building for housing purposes is considered to accord with policy H10.

As mentioned above, the Council cannot currently demonstrate a 5 year supply. However, as was the case with the car shed element of the previous approval, the proposed dwelling would continue to represent a small but positive contribution towards the Council's housing supply, and this should be afforded appropriate weight as a material consideration.

Paragraph 69 of the revised NPPF also sets out that 'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'. Paragraph 119 promotes the effective use of land and the need to make use of previously-developed or brownfield land.

Core Strategy Policy CS23 (Locations for Housing Development) states new housing will be concentrated where it supports urban regeneration and makes efficient use of land and infrastructure.

Core Strategy Policy CS24 states that no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26. It goes on to state that housing on greenfield sites will only be developed in certain circumstances, including within or adjoining urban areas, as long as annual monitoring shows that there is less than a five year supply of deliverable sites. Completions of properties have not reached the stated 12% threshold.

This policy accords with the NPPF's provisions as the proposal uses a brownfield site, although even if the site were to be considered 'greenfield', completions of properties have not reached the stated 12% threshold. Consequently, there would continue to be no conflict with CS24.

So despite being restrictive policies, CS23 and CS24's broad principles are reflected in NPPF para 119 and so the relevant parts of the policies can be afforded substantial weight.

The location of the development means that it continues to comply with CS23 and CS24, and para's 69 and 119 of the NPPF.

The land continues to be considered as 'previously developed' (brownfield) land. As such the proposed development would continue to make efficient use of the site, in accordance with NPPF para's 125 (c).

Policy CS26 specifies density ranges for new housing developments. Subject to protecting the character of an area, at least 40-60 dwellings per hectare are normally expected in Housing Areas such as this (the site lies within 400 metres of high frequency bus route in an urban area). The policy closely aligns to the NPPF and so is afforded significant weight.

The density of the overall, wider development would continue to be approximately 27 units per hectare. So, whilst the proposal would result in development outside of the specified range in CS26, this continues to be considered acceptable because of the area's characteristic, which includes two storey residential buildings with older cottages and farmhouses, several of which are listed. As a result, the proposal reflects the general character of the area and is considered to continue to represent a good balance between efficient use of land and the surrounding context.

Consequently, CS26 and NPPF para 125 (c) would continue to be met.

Design Issues and Conservation Area Impacts

The NPPF advises at Paragraph 130 that planning policies and decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; and
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

The Council has a statutory duty contained under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving heritage assets and their setting or any features of special architectural or historic interest which they possess.

Policy BE5 of the UDP states that the new buildings should complement the scale, form and architectural style of surrounding buildings as well as preserve and enhance the conservation area within which they are sited.

Policy H14 states that new development should be (a) well designed and in scale and character with neighbouring buildings, and (c) not result in the site being over-developed.

Policy CS 74 (Design Principles) within the Core Strategy states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

These local, design-based policies closely accord with the requirements of the NPPF, and so are afforded significant weight.

The NPPF at Paragraphs 199-202 seeks to protect and enhance conservation areas as a designated heritage asset. Paragraph 202 states that where a development proposal

will lead to less than substantial harm to a conservation area, this harm should be weighed against the public benefits of the proposal.

At Paragraph 203 the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account, and that a balanced judgement having regard to the scale of any harm/loss and the significance of the asset is required.

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, Conservation Areas or Areas of Special Character will not be permitted.

Policy BE16 states that in Conservation Areas permission will only be given for proposals which contain sufficient information to enable their impact on the Area to be judged acceptable and which comprise development which would preserve or enhance the character or appearance of the Conservation Area.

Policy BE17 states that In Conservation Areas and Areas of Special Character a high standard of design using traditional materials and a sensitive and flexible approach to layouts of buildings and roads will be expected.

Policy BE20 states that the retention of historic buildings which are of local interest but not listed will be encouraged wherever practicable.

Whilst there are parallels between the aims of local and national heritage policy. Local policy does not however include the Frameworks requirement to balance potential public benefits of a scheme against any harm caused to the significance of a designated heritage asset. On that basis the weight that can be attributed to local policy is reduced.

a) Demolition

The Cart Shed is identified within the Totley Conservation Area Appraisal as a Building of Townscape Merit. As part of the previous application, it was considered to have some heritage value, and as part of the pre-application advice given at that stage, its retention was advised. However, as part of the previous approval it was acknowledged that there was limited structure present, and that the introduction of large areas of glazing to the front elevation and the cladding of the remainder of the elevation in timber was acceptable. The Design and Access Statement previously provided stated that the cartsheds "damaged and falling stone walls and slate roofs will be repaired with like-for-like as part of the works".

However, after further investigation by the developer's engineer it is argued that the cart shed is not capable of being converted. It is explained that there is full height cracking at the junctions between side and rear walls, with separations between them and significant movement in the rear wall (i.e. circa 1metre vertical variation from floor to eaves). It is therefore argued that the wall which was previously proposed to be retained is not structurally capable of retention.

The applicant's Heritage Impact Assessment adds that there is an extension attached to the original cartshed, which uses modern and unsympathetic materials and has detrimental impacts on the original building's level of significance. It is also commented that the cart shed has been affected by the extent of rebuilding, and that overall it lacks architectural interest. Further to this, it is stated that the scale of the building and its utilitarian appearance detracts from the setting of the listed farmhouse and traditional farm buildings.

The Conservation Officer has reviewed these documents, and it is agreed that the building's 'townscape merit' designation is not sustainable and that the removal of the building does not undermine the value of the Conservation Area. In light of the limited amount of the cart shed which was to be retained, it is considered that it would not be reasonable to insist upon the cart shed's retention and that a refusal based upon these grounds would not be able to form a supportable reason for refusal.

It is therefore considered that the removal of the elements of the cart shed which were identified as remaining in the last application, would represent the removal of a relatively limited amount of structure and that the remaining amount of structure constitutes only low significance as a heritage asset.

On this basis, it is considered that the removal of the remaining portions of the cart shed would not conflict with NPPF para 203 or UDP policy BE20.

b) Scale

The proposed dwelling would exceed the height of the cart shed by approximately 1.0 metres at its ridge and eaves levels. This is not considered to constitute a significant height increase, within the context of the wider development. The proposed building's ridge line would not exceed the ridge level/s of the two detached units at Plots 12 and 13 within the previous approval, located towards the site's western boundary. Similarly, only a portion of the proposed ridge line would exceed the ridge height of Plot 10, the approved unit to the east of the current site.

It is not considered that the proposal would appear disproportionately tall in this location, given the adjacent buildings' heights.

The scheme is considered acceptable in this respect.

c) Overarching Design Considerations

The design of the proposed dwelling has developed through the lifetime of the current application. The fenestration arrangements now closely mirror the approved scheme, which helps to minimise the domestic character of the resulting appearance. The garage doors are confirmed as being vertical timber. Slate roof tiles are proposed, and a natural stone such as that approved for use as part of the new builds within the broader site will be required to be used as additions to the stone reclaimed during demolition works.

The amendments are considered to result in an acceptable design.

Given the above the demolition, the scale and proposed details of the amended scheme are considered to preserve the wider heritage of the area. Accordingly, the proposal is considered to be satisfactory with regards to policies BE5, BE15, BE16, BE18, BE20, H14 and CS74. It would also comply with the NPPF's relevant aspects as highlighted above.

The loss of the non-designated heritage asset is considered to avoid any harmful impacts, and the proposal is also considered to not have harmful impacts upon the Conservation Area. As a result, there would not be considered to be any heritage grounds on which to resist the application.

Living Conditions

The NPPF, at paragraph 130 part f), requires a high standard of amenity for existing and future users.

Policy H14 'Conditions on Development in Housing Areas' part (c) requires that new development in housing areas should not cause harm to the amenities of existing residents. This is further supported by Supplementary Planning Guidance 'Designing House Extensions' (SPG) which whilst strictly relevant to house extensions, does lay out good practice guidelines and principles for new build structures and their relationship to existing houses.

H14 accords closely with the NPPF and is given significant weight.

Impact on Neighbouring Occupiers

Num 20 Totley Hall Croft is located immediately to the west of the application building. The separation between Num 20 and the subject building would be approximately 18.5 metres.

The proposal's western portion would be approximately 1.0 metres taller to its ridge and eaves than the cart shed building and the previously approved unit. The site level is also below the garden level at Num 20 Totley Hall Croft. A retaining wall supports this level differential, and Num 20 has a 1.8 metre (approx.) tall garden fence above this level. Therefore, the boundary fence would screen the proposal, leaving only the upper section visible (approximately 2.8 metres in height), most of which will be in the form of the diminishing width gable. This alteration is not considered to represent a significant additional impact compared to the pre-existing cart shed and/or previous approval.

The proposal would not lead to any overlooking towards Num 20 Totley Hall Croft, as there are no openings in the respective end elevation.

23 Stocks Green Drive is located to the northwest of the proposed building. It would be separated from the proposal by a minimum of 9 metres. The two sites are not adjacent, as they are separated by some intervening land. Num 23 is set on land elevated above the level of the subject building. Whilst the separation is relatively modest the elevated level of the neighbouring site, and the limited extent of the proposed vertical increase, means that overbearing impacts upon this neighbouring dwelling would not be generated.

The facing roofslope includes five rooflights. These do not serve space at 1st floor level, instead providing additional light to the ground floor level. As such views from these windows would be towards the sky, and wouldn't enable overlooking towards Num 23 Stocks Green Drive. Consequently, the privacy of occupants at Num 23 Stocks Green Drive would not be created.

Num 4 Totley Hall Croft is located to the northeast / east of the proposed building. It is a minimum of approximately 12.5 metres from the proposed building and includes a secondary window (looking onto a car parking area) and entrance door in its relevant facing elevation. At its rear there also appears to be a compact amenity area. This neighbouring property is at a level below that of the application site. The relevant, eastern portion of the proposal includes an increase in ridge height of 2.1 metres (approx.) and eaves height of 1.0 metres. Whilst the site is at an elevated level, this relatively limited additional height, as well as the lack of any primary openings facing the site, lead to the conclusion that there will not be any significant overbearing impacts to this neighbour.

Proposed Occupier

The proposed unit would continue to provide two bedrooms. Appropriate outlook and natural light would be provided, and there would also be an area of external amenity

space to the unit's front. These arrangements closely mirror the previously approved details.

It is considered that the proposed unit will offer good quality accommodation and that amenities of neighbouring properties will not be adversely affected to a significant degree.

The proposal therefore complies with policy H14 and para 130 of the NPPF.

Landscape Issues

UDP Policy GE15 'Trees and Woodlands' states that trees and woodlands will be encouraged and protected by planting trees and requiring developers to retain mature trees.

Policy BE6 'Landscape Design' expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation.

CS74 'Design Principles' part a) requires high-quality development that will respect, take advantage of and enhance natural features of the City's neighbourhoods.

These policies are considered to align with the NPPF on the basis that paragraph 130 expects appropriate and effective landscaping and paragraph 131 recognises the contribution of trees to the quality of urban environments.

A tree report has been provided which reveals the following:

- Two sycamore trees (T1 and T2) to the south/west of the cart shed. These are identified as being 'Category B' trees, so of good quality with significant life expectancy.
- A group (G3) featuring a number of trees such as ash and sycamore, and a standalone ash (T4) to the north of the site. They are considered to be unsuitable for retention with a <10 year life expectancy. To the north is also a goat willow (T5), is identified as low or average quality.
- To the north east of the building is a sycamore (T6), identified as of good quality. It is this tree which is identified in the Conservation Area Appraisal as being a 'Prominent Tree' and assumed to be the tree referred to in a number of neighbour's representations as a 'way marking' tree.

The Council's Tree Officer has reviewed the Tree Survey, and advises as follows: Sycamore T1 lies in the rear garden area of unit 9, and the land levels adjacent to it are not proposed to be different from the previous approval. The forecourt area of the current proposal is set at a higher level than previously approved, but this will not affect the tree in question.

Sycamore T2 is located in close proximity to the proposed unit in the garden of Num 20 Totley Hall Croft. Additional drawings have been provided which make clear that the existing retaining wall is to be kept, and that this will ensure that there will not be any detrimental impacts upon the health and vitality of T2. Some limited additional downward excavation (compared with that already approved) to form the newly proposed internal floor level would be required adjacent to the boundary wall.

However, this is not expected to have significant implications to the root network of T2.

G3, T4 and T5 are located outside of the site, and are not within a specific property's curtilage. They appear to instead form a part of the setting of the buildings at the adjacent Hall Lane Farm/Totley Mews complex. The trees are not considered to be

worthy of formal protection, confirming the report's statement they are of low or average quality. The report refers to pruning of overhanging branches being necessary. The proposal's proximity to these trees means there would be some potential for root network disturbance, although the relative land levels and existing structures means that this will not be overly significant. It is considered that by minimising root disturbance during construction that they will not be significantly compromised.

T6 is remote from the proposal dwelling, being closer to Unit 10. As such the proposal is not considered to have scope to impact upon this prominent tree, affecting only the very outer parts of the root protection area. Given the separation and the negligible impact on the protection area the proposal does not lead to any potential impacts upon this tree.

Consequently, the proposal is considered to comply with paragraphs 130 and 131 of the NPPF and local policy.

Archaeology

A condition requiring the submission of a strategy covering archaeological investigation was applied to the previous approval. This condition has been complied with. There are therefore no additional requirements in this regard, although a condition requiring adherence to the measures identified in the strategy will be imposed as part of the recommendation here.

Highways

The proposal would utilise the previously approved access to Trolley Hall Lane. The proposal will not generate any further vehicle movements than this earlier scheme.

There are therefore no objections to this

A single garage will be provided, instead of the approved car port. For a two bedroom unit this is considered satisfactory.

The proposal is therefore considered to have acceptable impacts, and not lead to any highway safety concerns. As such, it would be in compliance with UDP policies BE9 and H14(d). Additionally, the proposal satisfies the requirements of NPPF paragraph 111, which states development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety.

Ecology

UDP Policy GE11 requires that the natural environment is protected and enhanced. The design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

Paragraph 174 of the NPPF states that development should minimise impacts on and provide net gains for biodiversity. The local policy requirement to protect and enhance the nature environment strongly reflects the relevant policy in the National Framework and so can be offered substantial weight.

The key principle of the NPPF is to conserve and enhance the natural environment.

The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

Local policy partially complies with the NPPF and is afforded moderate weight.

A Bat Roost Inspection Survey, with additional commentary on Nesting Birds, was submitted as part of the application. This concluded:

- the building had moderate bat roost potential, and so recommended emergence / re-entry surveys were required.
- evidence of nesting birds was found, and works should be undertaken outside of the breeding season / done by a qualified ecologist. Active nests are required to remain undisturbed.

An additional bat survey was undertaken, which featured separate dawn and dusk site surveys. No bats were found emerging or returning during the surveys, and low levels of common pipistrelle activity were recorded throughout the surveys. As it was possible to observe the northern elevation a small potential that bats may roost in the northern elevation was identified. Given this small potential for roosting within the northern elevation, the applicant's ecologist recommends any works affecting the northern elevation are undertaken carefully and with ecologist supervision.

The Council's Ecologist has reviewed these documents, and confirms that the reports are acceptable, giving adequate assessment of the site. It is also confirmed that the works to the northern elevation should be carried out as per the method statement details summarised above.

As enhancement measures, it is recommended that 1x bat box is provided on the building. Similarly 2x bird nest cups for birds are also recommended. Some demolition works of the building have already legitimately taken place through implementation of the previous approval. The previous consent did not condition the carrying out of bat survey / mitigation works, and as such these works were not subject to the requirement for works to the northern elevation to be undertaken with care and under supervision of an ecologist.

It is therefore recommended that conditions requiring that the remaining works comply with the relevant method statement and that bat/bird boxes are installed will be included within the recommendation.

Based upon the above, the proposal is considered to comply with local policy and NPPF requirements in this regard.

Community Infrastructure Levy

In this instance the proposal falls within Zone 5. Within this zone there is a CIL charge of £ 80 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

RESPONSE TO REPRESENTATIONS

The majority of comments have been addressed in the above assessment section. A number of outstanding comments remain, and the following comments are made:

- Comments have been made in regard to Tree T15. However, the current application has no effect on this tree, and so this comment is not pertinent to the current assessment.
- A concern was raised about incorrect level information being given in relation to Tee T2, compared with the site's level. The Landscaping Officer is aware of the

accurate land level details and confirms that based upon the retention of the existing retaining wall there is unlikely to be any detrimental impacts upon this tree arising from the proposal.

- The Applicant's agent investigated the details of the submitted site plan and ownership details. A minor correction was made, and there is no reason to query this further.
- The street scene drawing was amended to include appropriate representation of the previously existing cart shed. A minor error remains on the east facing / end elevation, however, this is not considered significant to the assessment and a further amendment has not therefore been required.
- A comment is made about the levels of Plots 12 and 13 being different from the approved level. This is not related to the current application and would need to form a separate enforcement investigation.
- Future responsibility for trees is queried. This is separate from planning and would instead be a civil matter.

PLANNING BALANCE

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

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

For the reasons described above, it is considered that it has been demonstrated that there are no significant adverse impacts as a consequence of this application being granted, and that the proposal will continue to provide a single dwelling in place of the single dwelling included in the previous approval.

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

SUMMARY AND RECOMMENDATION

The proposal seeks permission to develop 1 dwelling involving the removal of an existing cart shed. Approval was previously granted for development of the wider site, featuring retention/conversion of the cart shed to form a single dwelling.

Sheffield has updated its 5 year housing land supply position to reflect the deliverability of sites as at 1 April 2021 and can demonstrate a 4 year deliverable supply of housing land. Because the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, the relevant policies for determining applications that include housing should be considered automatically out-of-date according to paragraph 11(d) of the NPPF. The so called 'tilted balance' is therefore triggered, and planning permission for housing should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal would deliver a number of benefits, with the NPPF emphasising the importance of delivery of housing. The provision of the dwelling would continue to represent a contribution towards meeting the current shortfall.

The proposal is considered to avoid detrimental impacts upon the character of Totley Conservation area. The dwelling would be of an appropriate scale and size, which sits comfortably within the wider development and surroundings, and there are no harmful impacts on occupiers of neighbouring properties. There would be no harmful impacts upon surrounding trees / landscaping features and no highway safety issues would be generated.

There are therefore no adverse impacts that would significantly and demonstrably outweigh the benefits of the development. Taking into account the tilted balance set out in paragraph 11(d) of the NPPF, the application is recommended for approval subject to the proposed conditions.

Case Number	20/03919/FUL (Formerly PP-09167801)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of a food store (Use Class E) with associated access, parking and highway improvement works to Rotherham Road and Retford Road
Location	2 Rotherham Road Handsworth Sheffield S13 9LL
Date Received	09/11/2020
Team	City Centre and East
Applicant/Agent	Urbana Town Planning
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents published 24.12.2021:
 - Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2001 - A3 - Rev C1 (Site Location Plan)
 - Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2002 - A3 - Rev C2 (Existing Site Plan)
 - Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2003 - A3 - Rev C8 (Proposed Site Plan)
 - Drawing no. 7320 - SMR - 00 - XX - DR - A - 2005 - A3 - Rev C7 (Site Sections)
 - Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2004 - A3 - Rev C7 (External Works and Boundary Treatment)
 - Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2008 - A3 - Rev C2 (Proposed Ramp and Stepped Access)
 - Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2101 - A3 - Rev C2 (Proposed Floor Plan)
 - Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2102 - A3 - Rev C1 (Proposed Roof Plan)
 - Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2103 - A3 - Rev C3 (Proposed Elevations)

and:

Drawing no. 7320 - SMR - 00 - ZZ - DR - A - 2006 - A3 - Rev C1 (Demolition Plan) published 09.12.2020

Drawing no. ORH01 (Tree Survey) published 09.11.2020

Drawing no. ORH02 (Tree Constraints Plan) published 09.11.2020

Reason: In order to define the permission.

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

3. No development shall commence until 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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

4. Any intrusive investigation recommended in the 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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

5. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

6. 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.

7. 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.

8. No development shall commence unless the intrusive site investigation works described in the coal mining risk assessment produced by CoDa Structures, dated 07.09.2020 have been carried out as recommended and a report of the findings arising from the intrusive site investigations is submitted to and approved 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 by the Local Planning Authority before the 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 the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

9. No development shall commence until a revised 'Tree Protection Plan' providing full details of measures to protect the existing trees to be retained, 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.

10. 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.

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.

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

12. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 10 litres per second.

Reason: In order to mitigate against the risk of flooding.

13. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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.

14. Prior to use of the development hereby permitted commencing, a Delivery Management Plan (DMP) shall be submitted for written approval by the Local Planning Authority. The DMP shall include permitted timings for deliveries and associated activities, and set out procedures and controls designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable. All commercial deliveries then shall be carried out in accordance with the noise mitigation procedures and controls, as set out in the approved DMP.

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

15. The Developer shall use reasonable endeavours to ensure that any identified end-user of any phase of the development shall, in collaboration with Talent Sheffield, produce a detailed Inclusive Employment and Development Plan,

designed to maximise opportunities for both immediate and on-going employment from the operational phase of development. The plan shall be submitted to and approved in writing by the Local Planning Authority.

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

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

16. No externally mounted and/or fixed plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted unless full details thereof have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered without prior written approval of the Local Planning Authority. All plant shall be specified to have noise output levels in accordance with the recommendations of the approved Noise Assessment Report (ref: 4442-R1, dated 06.01.2020, prepared by Clover Acoustics) with a cumulative rating level not exceeding 33dBA at any sensitive residential window.

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

17. The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

18. 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.

19. A comprehensive and detailed hard and soft landscape scheme for the site, which shall include the planting of new trees adjacent to the southern boundary to the rear of residential properties on Retford Road and along the north and west boundaries shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority. The landscaping details shall include the following details:

- Topsoil specification and depths;
- An accurate planting schedule and planting plan at 1:200 or 1:100 scale;
- A comprehensive list of species and stock specification;
- Details of planting densities and spacings;
- Individual location of specimen trees (Extra-heavy standard size) and shrubs;
- Areas of grass/wildflowers including seed mix and sowing rates;
- Maintenance schedule to ensure the successful establishment of the scheme;

- Hard landscaping details; proposed levels, surfacing materials, walls, fencing and street furniture; and
- Boundary treatments.

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

20. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

21. Prior to that part of the development commencing, full details of an alternative 'no-dig' construction method to be used to where construction will be within the root protection zone of any retained tree or proposed tree shall have been submitted to and approved in writing by the Local Planning Authority and thereafter the alternative construction method shall be implemented in accordance with the approved details.

Reason: In order to protect the tree roots of retained and proposed trees.

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

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

23. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

24. Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstandings shall be passed through a petrol/oil interceptor designed and constructed in accordance with details to be approved in writing by the Local Planning Authority.

Reason: Prevent pollution of the water environment.

25. Prior to above ground works commencing, full details of the proposed lighting scheme for the whole site shall be submitted to and approved in writing by the Local Planning Authority and the proposed lighting scheme shall be implemented in accordance with the approved details and thereafter retained.

Reason: In the interests of visual and residential amenity.

26. Before above grounds works are carried out, all biodiversity enhancement measures recommended in the Preliminary Ecological Appraisal prepared by Weddle Landscape Design, dated October 2020 (published 09.11.2020) and Bat Survey prepared by Witcher Wildlife Ltd, Ref no. 200926, dated 28.09.2020 and including the following inclusions shall be set out in a Biodiversity Enhancement Management Plan (BEMP) or a Landscape Ecological Management Plan (LEMP) and submitted to and approved in writing by the Local Planning Authority and thereafter implemented and maintained in accordance with the BEMP/LEMP:

- Tree, shrub and hedgerow planting - to comprise a diverse selection of locally appropriate native species and climate-change resilient species
- Retention of good quality tree specimens as much as is practicable
- Green or brown roof
- Bat boxes - 3x to be incorporated into the fabric of the building
- Bird boxes - 3x to be incorporated throughout the site, sited either on the main building or within the trees
- Lighting - a sensitive lighting scheme that avoids excessive upward/outward light-spill and avoids illuminating boundary trees and shrubs
- Felled trees to be utilised on site as deadwood 'habitat piles' within the landscaping scheme.

Reason: In the interests of biodiversity.

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

a) been carried out; or

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

Highways Improvements:

- Rotherham Road/Retford Road (provision of signal control)
- Creation of vehicular access into the site from Orgreave Road

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

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

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

29. The proposed food store shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

30. Within 3 months of the occupation of any part of the development, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority. Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.
The Travel Plan(s) shall include:

1. Clear and unambiguous objectives and modal split targets;
2. An implementation programme, with arrangements to review and report back on progress being achieved to the Local Planning Authority in accordance with the 'Monitoring Schedule' for written approval of actions consequently proposed,
3. Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the Local Planning Authority.
4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

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

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

31. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the proposed food store shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

32. The proposed food store shall not be used unless the sight line, as indicated on the approved plans, 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.

33. The proposed food store shall not be used unless provision has been made

within the site for accommodation of delivery/service vehicles in accordance with the details provided in the Transport Statement prepared by CoDa Transportation, project no. 7951, dated 22.09.2020 (published 09.11.2020). Thereafter, all such areas shall be retained free of all obstructions, including the storage, display and depositing of materials, packaging or other objects so that the service yard is fully available for the parking, turning and manoeuvring of delivery/service vehicles.

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

Other Compliance Conditions

34. No amplified sound shall be played within the commercial use hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time.

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

35. No customer shall be permitted to be on the premises outside the following times: 08:00 to 22:00 hours on any day

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

36. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0800 to 2300 Mondays to Saturdays and between the hours of 1000 to 1600 on Sundays and Public Holidays.

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

37. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0800 to 2100 Mondays to Saturdays and between the hours of 1000 to 1800 on Sundays and Public Holidays.

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

38. The proposed development shall be carried out in accordance with the details shown in the submitted report 'The Flooding & Drainage Assessment' prepared by CoDa Structures, dated 21.09.2020.

Reason: In the interests of satisfactory and sustainable drainage.

39. The existing landscaped areas within the site shall be retained and protected from construction activity. Any damage during construction / demolition works shall be made good by reinstating to the condition/appearance prior to the commencement of the works.

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

40. 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. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

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

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

3. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

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

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

The notice should be sent to:-

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

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

notice being issued and any works on the highway being suspended.

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

5. 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

6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Although it is unlikely that bats will be encountered, it is recommended that contractors are aware of the level of legal protection and what to do if a bat is found:

All bat species and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended) and by The Conservation of Habitats and Species Regulations 2010 (as amended). In the unlikely event that a bat is found all work should cease immediately and the bat should be covered and protected from any harm. Contact the appointed ecological consultant for further advice.

7. The applicant is advised that the signage indicated on the submitted drawings is not approved as part of this permission and will require separate Advertisement Consent. To discuss arrangements for obtaining such consent, and to request application forms, the applicant should contact Development Control Section, Development Services, on Sheffield (0114) 2039183 or go to www.sheffield.gov.uk/in-your-area/planning-and-city-development
8. All drainage must be passed through a suitable petrol/oil interceptor prior to discharge from the site. These matters will be covered in the Building Act submission.
9. Yorkshire Water has advised that a 9 inch cast iron water main currently runs

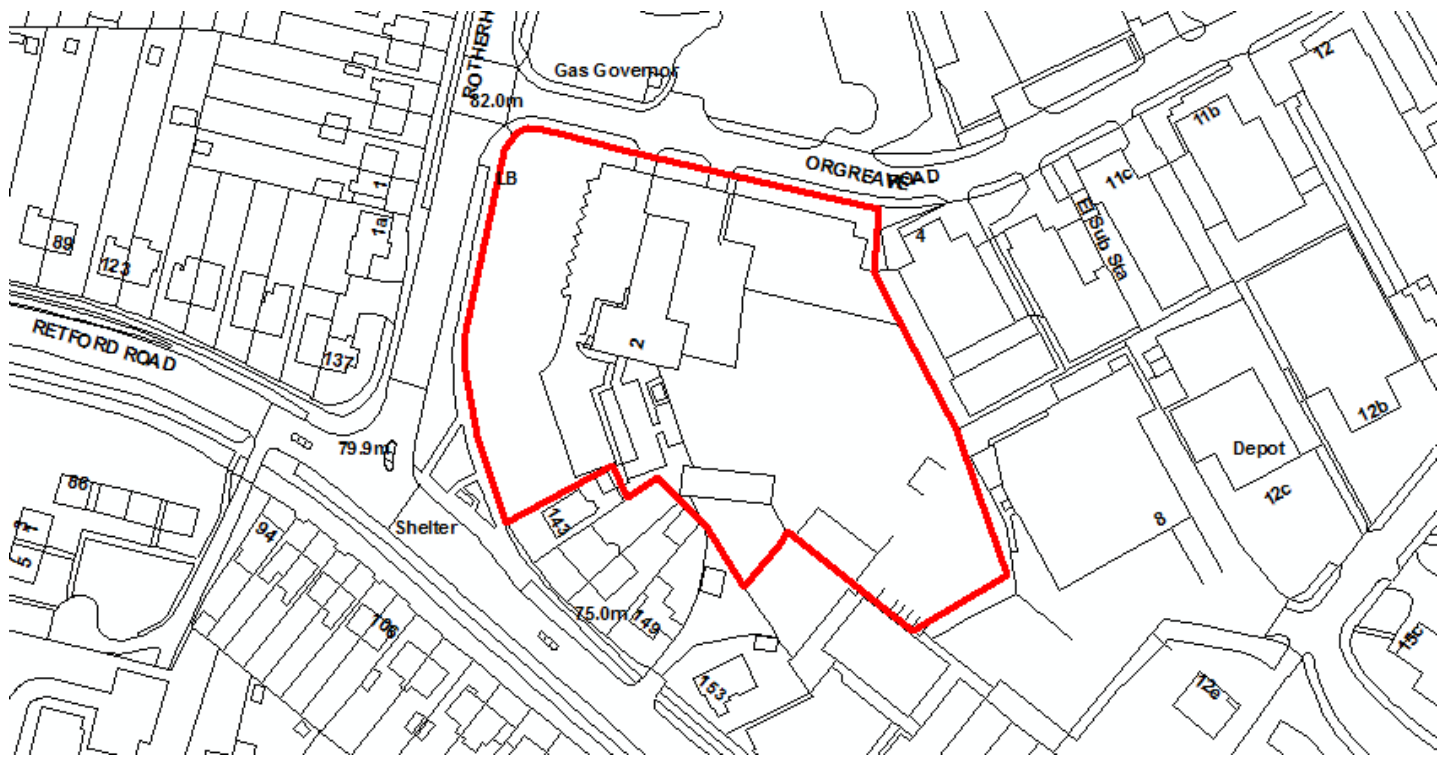
down the grass verge on Rotherham Road, which may be affected by the proposed new road layout and will need to be assessed accordingly.

10. 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.

11. 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.
12. In considering and devising a suitable Delivery Management Plan, useful reference may be made to the Department for Transport 2014 guidance document "Quiet Deliveries Good Practice Guidance - Key Principles and Processes for Freight Operators". Appendix A of the document provides general guidance, along with key points for delivery point controls, and driver controls.

Site Location



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LOCATION AND PROPOSAL

This application relates to a partially redundant commercial site, measuring almost a hectare in size, which is positioned at the entrance into the Dore House Industrial Estate, at the junction of Rotherham Road and Orgreave Road. The site comprises 4 buildings, ranging from single-storey storage/workshop buildings to a five-storey office block positioned towards the centre of the site overlooking onto various hard-surfaced forecourts. There are several storage containers posited on the eastern half of the site. The office building has telecommunications masts and equipment housing units sited on its roof. The site has two means of vehicular access direct from Orgreave Road.

The site is set within a mixed commercial and residential environment, with industrial land bounding the site to the north and east and residential properties to the west opposite the site fronting onto Rotherham Road, and rear gardens of Retford Road properties to the south.

The land falls away from the west to the east such that the site is set down below Rotherham Road. Along the west edge of the site, is a designated area of open space, which is green in character, comprising a wide strip of grassland with a row of mature trees extending from the northern corner, along the Rotherham Road frontage, continuing towards the junction with Retford Road to the south. A stone wall also extends along the Rotherham Road and Retford Road frontages. The remainder of the site is enclosed by railings and metal fencing.

Full planning permission is sought to demolish all of the existing buildings to facilitate the erection a food store with a gross internal floor area of 1,939m² and a dedicated parking area. A new vehicular access is proposed from Orgreave Road and 3 dedicated routes will provide access for pedestrians. It is also proposed to carry out highway improvements works to the junction of Rotherham Road and Retford Road by creating a signalised junction, removing an existing central island and providing a right turn onto Retford Road. In the south-west corner an area of land is proposed to be used as a location for future telecommunications mast and equipment, which would be subject of a future planning application.

RELEVANT SITE HISTORY

19/03521/PREAPP – In September 2019 pre-application advice was sought to demolition the existing buildings and erect a retail unit with associated access and parking; erect a telecommunications mast with associated enclosure and equipment and alterations to Retford Road and Rotherham Road.

05/02851/FUL – Planning permission was granted in 2005 for the erection of a 3 pole mounted antennae on the roof and associated cabin equipment.

03/04476/TEL – A further application was submitted and granted for the installation of 2 pole mounted antennas on the roof of the building.

SUMMARY OF REPRESENTATIONS

The application has been advertised in the local press and following the display of site notices and neighbour notification a total of 25 representations against the scheme and 2 in support of the scheme have been submitted.

Those in support highlight the following points:

- Create jobs at a time when the economy is in difficulty
- Local employment is vital to keep an area vibrant

- The site is an eyesore giving a run-down impression
- A bright new store will improve the area and may kickstart other developments
- It is accepted that traffic volumes have increased in the area but they have everywhere and most people shop outside peak times for other traffic
- No matter what the site is used for there is likely to be additional traffic
- Support subject to the water run-off not adversely affecting the adjoining site and a recognition that there will be noise, smells and traffic associated with the existing adjoining business

Those objecting to the scheme make the following points:

Highways Issues

- A new road has never been constructed as part of the Waverley development which has led to a huge increase in traffic locally, including HGVs and LGVs, so any additional traffic would add even more detriment
- Some cars already speed on the road and create traffic danger – this will make it worse and make road conditions unsafe
- Traffic flow cannot be properly measured at this time due to the pandemic as many people are working from home
- Traffic queues on Retford Road waiting to turn into Rotherham Road are already intolerable and traffic lights will just cause more hold ups in all directions and result in longer journey times, more frustration for motorists and the potential for more accidents as a result
- We have already witnessed many ‘near misses’ with school children running across the road and we fear a fatality if traffic increases even further
- It’s impossible to turn into Rotherham Road from Orgreave Lane at peak times
- How will school children cross the road safely – there are warning signs on Retford Road of the number of children injured
- At peak times it is almost impossible to cross the road to the bus stop or post office or to get out of driveways
- The increased traffic will lead to additional air and noise pollution which is already horrific in an already congested area
- A change in the junction at Rotherham Road and Retford Road would make matters worse as it is impossible to turn left at peak times, let alone right. It would be ridiculous to introduce a right turn option (it was changed to left turn only many years ago to help traffic flow and traffic has increased massively since then)
- The traffic along Rotherham Road is amplified by being a quick route to and from the end of the parkway (A630), which is frequently backed up at the Handsworth junction, both on to the A630 and the A57, and enables users to cut out much of this and enter the M1 more easily
- Allowing traffic to turn right is likely to cause an increase in traffic Southwards along Rotherham Road from the direction of Waverley. This traffic currently turns right at Orgreave Lane and so avoids the A57/B6066 junction. This increase would in turn add to the number of vehicles using the stretch of Retford Road between Rotherham Road and Orgreave Lane, which has been noted to have been the site of close to 30 serious collisions involving pedestrians. This stretch includes bus stops for the 52 service, which is heavily used by schoolchildren and large groups of them walk along there at school opening and closing times.
- Vehicles already struggle to get into and out of the car park for One Stop and White Cross vets, a traffic increase would make it almost impossible which leads to more impatient drivers taking risks.

- With a school nearby, the children flood out at closing time and would be at more risk as they await their bus or walk home.
- The proposed road layout would simply not work. There is a reason why there isn't a right turning lane there as it stands. An adjacent bus stop, a crossing island, a pedestrian crossing not too far up the road and the fact that any vehicle turning right onto Retford Road would have to cross the path of downhill traffic (rarely abiding by the speed limit) to join the busy traffic heading east.

Pollution issues

- The noise and air pollution from delivery lorries together with extra traffic and possible anti-social behaviour that could occur if nothing is put in place to stop this, is only going to add to the already poor environment.
- As Sheffield City Council is "committed to ensure clean air across the city and improving the health and lives of its residents" and recognises that "The cause of air pollution is largely due to both road transport and industry..." it cannot logically give the green light to this application.

Amenity Issues

- Unloading of big delivery trucks adjacent to house and garden areas will cause noise and fume nuisance to gardens as well as causing sleep disturbance
- It will be impossible for adjacent residents to get out of their drives causing yet more inconvenience
- The building works will cause noise and dirt / dust to neighbours which is already a nuisance from all the nearby houses that have been built
- Traffic increases have resulted in additional traffic fumes, to the point where you can't open windows at certain times in the Summer
- The development will lead to privacy and noise issue to nearby neighbours
- No mention is made of proposed opening hours, which is a concern for site neighbours.
- Concern that the open area proposed behind houses that back onto the site on Retford Road will lead to security problems and potential burglaries. There is also a derelict area with no entry or exit point which appears to have no proposals attached to it

Other Issues

- Don't need another supermarket, totally unnecessary (already have Morrisons, Go Local, Asda, Sainsbury's, Aldi which has resulted in the closure of the local greengrocer). It would be better placed at Waverley so that there would be no need to alter road junctions and no intrusion on residents.
- The demographic using Lidl is similar to Aldi so there is no need for this development as those needs are already served. There are already two Lidl stores within 2 miles of the site
- Concerned that the original consultation in respect of the application did not go wide enough and did not cover all of those households that would be affected by the proposals.
- We need green space, new park, facilities for teenagers or a multi-purpose gym instead which would be much better for the health of the local population. You only have to look at crime in the area to see that a supermarket is not the answer
- There is already plenty of top-up shopping options locally, so another such facility is not needed and is likely to cause harm to these existing facilities

- There are no safeguards mentioned about the prevention of people using the car park after hours for the wrong reasons.
- The re-siting of the phone mast appears to be brought nearer to the residential properties. As there are mixed views on the health implications it should be sited further away.
- A more positive use of the land that will bring less traffic than a 100 capacity car park is certainly achievable.

Andrew Moseley Associates (acting on behalf of Aldi (UK))

- The trip rates used within the submitted highways information which are a Transport Assessment (TA) dated January 2021 and Additional Junction Capacity Analysis – Saturday Peak Hour dated May 2021, are considered low. The TA has underestimated the level of traffic that the development is likely to generate. On this basis, the junction capacity analysis should be revised using more appropriate traffic generation
- The sustainability plans have been prepared using as the crow flies isochrones which overestimates the accessibility of the site. The isochrones for walking and cycling should be drawn based on the local highway network rather than simply as the crow flies.
- The derived NTM adjusted TEMPRO growth factors have been provided within the TA, however, the selections that have been made within the TEMPRO software have not been provided. It is stated in the TA that they are not aware of any committed developments that should be taken account of. Given the urban location of the site it is anticipated that there is likely to be committed developments and these should be requested from the Local Planning Authority (LPA).
- There is no swept path analysis within the appendices of the TA to demonstrate that a 16.5m articulated HGV can access the site appropriately
- The proposals comprise the signalisation of the Rotherham Road / Retford Road ghost island priority T-junction. Again, no swept path analysis of the proposals has been included within the TA. The pedestrian island for the staggered crossing on the Rotherham Road arm of the junction is shown at 2.4m. The minimum width is 3m for a staggered crossing unless a departure from standard has been agreed.
- In addition, a Stage 1 Road Safety Audit of the proposed signal junction design should be included within the submitted highways information as part of the planning submission.

Planning Potential (Planning Agent) do not say who they are acting for (22.1.21 and 22.10.2021) but make the following comments:

- There are deficiencies in the highways evidence.
- Whilst the retail impact assessment now includes Waverley, it does not provide a cumulative assessment. There is an extant consent and a current application for a foodstore at Waverley which needs to be included to assess the vitality and viability impact.
- A Transport Statement rather than a Transport Impact Assessment has been submitted, yet that is what is required in this case.
- Cannot comment further until these documents are available but would like to be kept informed and given the opportunity to review additional evidence.

- RMBC agree that the 6 minutes drive catchment area utilised in the retail impact is acceptable. In terms of the overall conclusions, it is considered that the information provided shows that there would not be a significant adverse impact on planned investment or vitality and viability of Swallowneast such as to justify refusal based on paragraph 90 of NPPF. However, given that Waverley has not been assessed it is not believed that conclusions can be reached regarding the impact on investment for these centres. They recommend that the impact assessment is updated to consider the impact on local centres at Waverley.
- Further information is required in order to identify whether the sequential test requirements have been satisfied. It is noted that sequentially preferable sites to meet the identified parameters are not available within or on the edge of Swallowneast District Centre, and the local centre at Swallow Wood Road has been developed. They are therefore satisfied with these centres being discounted. However indicative local centres at Waverley remain to be developed. No information is provided regarding the assessment of these centres. In light of the above it is not possible to conclude that the sequential and impact test requirements set out in NPPF have been satisfied.
- RMBC therefore recommend that the impact assessment is updated to consider the impact on indicative local centres at Waverley and that further information on the sequential test is required to provide clarity regarding the centres assessed; in particular details of how the indicative local centres at Waverley have been assessed will be required.
- Should additional information not be provided then Rotherham Council would object to the application on the basis that the sequential and impact test requirements set out in NPPF (paragraphs 86 – 90) have not been satisfied.

Statement of Community Involvement

The Council, in its Statement of Community Involvement (SCI), and the Government (paras. 39 to 42 of the NPPF) encourage applicants to undertake pre-application discussions with the Local Authority and to engage with the local community and statutory and non-statutory consultees before submitting an application.

The applicants engaged with the Council's paid pre-application enquiry service and they were advised of the planning related issues in respect of this proposal.

In October 2020 the applicant consulted three Woodhouse ward councillors (Councillors Rooney, Satur and Wood) via email, introducing the proposal and inviting them to an online briefing. Cllr Rooney attended an online briefing in November 2020 and following that meeting an email was sent to all three councillors with a copy of the introductory letter to be issued to residents of neighbouring properties.

In November 2020, a total of 182 residential and business properties surrounding the site were issued with an introductory letter which included a description of the proposed development and inviting recipients to comment and ask questions either via email or telephone. A total of 10 responses were received, which included 2 calls and 3 emails expressing support for the proposal, whilst the remaining responses expressed concerns and asked questions about various aspects of the development, which the applicant responded to.

The pre-application consultation exercise is considered to broadly accord with the aims and objectives of the Council's SCI.

Policy Background

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

The National Planning Policy Framework (NPPF) provides the framework for the planning policy and development within England. The overarching principle is to ensure that new development is sustainable.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and provides the overall spatial strategy for the period of 2008 to 2026 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998.

Whilst the UDP pre-dates the NPPF, the policies should not be considered out-of-date and should be given due weight, according to their degree of consistency with the NPPF. The NPPF provides that the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given (para. 219). The NPPG provides further guidance on this but it does state that it is up to the decision-maker to decide the weight to give to the policies.

In all cases, the assessment of any development needs to be considered in light of para. 11 of the NPPF, which states that there is a presumption in favour of sustainable development. Where there are no relevant development plan policies or policies are not consistent with the NPPF, planning permission should be granted (the tilted balance) unless there are particular areas or assets of particular importance, which provide a clear reason for refusal (eg Green Belt, risk of flooding etc); or any adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the development.

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

Principle of Development

The site lies within a General Industrial Area as defined in the Unitary Development Plan (UDP) and relates to land which is largely designated as general industrial but with a portion of designated Open Space along the west part of the site. UDP Policy IB5 'Development in General Industrial Areas' permits a number of uses within such areas including small shops (no more than 280m²), offices used by the public, business (E), community facilities and institutions (Class E and F1) amongst others, with the preferred uses being general industry (B2) and warehouses (B8 excluding open storage). The proposal seeks to provide a food retail store, with a floor area of 1,939m², which exceeds the threshold of 280m² as set out in the Policy and therefore does not fall within the definition of a small retail unit. The Policy also goes on to say that other shops unless at the edge of the Central Shopping Area or a District or Local Shopping Centre are not acceptable. It is therefore the case that the proposed development will not meet the requirements of this policy.

UDP Policy IB9 'Conditions on Development in Industry and Business Areas' permits new development provided that (a) it would not lead to a concentration of uses which would prejudice the dominance of industry and business in the area or cause the loss of important industrial sites. This approach was continued in the Core Strategy Policy CS5 'Locations for Manufacturing, Distribution/Warehousing and other Non-Office Businesses' in that such uses were identified in other established areas within the main urban area, including the Sheaf Valley (Heeley area), the Blackburn Valley and

Orgreave. These policies are consistent with para. 11 of the NPPF in that it is necessary to plan positively to meet development needs and para. 119 which requires policies and decisions to promote an effective use of land in meeting the needs for homes and other uses.

The loss of this site would not undermine the dominance of preferred uses in this area and whilst it does not accord with UDP Policy IB5 it is recognised that the proposal will create local jobs and thus promote employment within the area, which is beneficial for the wider community. The main office building has been vacant for some time now and the proposed development will facilitate the comprehensive redevelopment of the wider site. It is therefore considered that, subject to a satisfactory outcome regarding the impact of a retail use, on balance, the proposal will be acceptable in land use terms and thus, will broadly meet the requirements of the above local policies and the NPPF.

Loss of Open Space

The proposal seeks to extend further into an existing landscape buffer strip, which is designated as Open Space. UDP Policy LR5 'Development in Open Space Areas' states in part (d) that development in open space areas will not be permitted where it would make an open space ineffective as an environmental buffer; and in part (i) it would result in over-development or harm the character of an area.

The stretch of open space area functions as an environmental buffer which screens and separates the development on the industrial estate from the residential areas on the opposite side of Rotherham Road and beyond. The open space needs to be of a sufficient size to function as a landscape buffer but also to preserve its integrity as a wildlife corridor. The strip of open space along this frontage is characterised by a row of trees and grassland, laid to lawn. The current proposal will result in a reduction in the size of the landscaping strip but the retention of the majority of the tree belt.

A major part of the value and function of this landscape area in amenity and ecological terms lies in its size and the depth of natural vegetation provided against the boundary of this busy road.

Core Strategy Policy CS47 'Safeguarding of Open Space' is also relevant and it states that development of open space will not be permitted where:

- (a) it would result in a quantitative shortage of either informal or formal open space in the local area; or
- (b) It would result in the loss of open space that is of high quality or of heritage, landscape or ecological value; or
- (c) People in the local area would be denied easy or safe access to a local park or to smaller informal open space that is valued or well used by people living or working in the local area; or
- (d) It would cause or increase a break in the city's Green Network.

The area of open space is informal green space, which is required for visual screening and as an environmental buffer. There is no public access to the land and no informal/formal recreational facilities on it. Rotherham Road is a busy highway with no pedestrian crossings providing access to this space for the public. This part of the landscaping strip is also within the ownership of the applicant. Although there will be a reduction in the depth of this part of the open space, there will be sufficient depth remaining in order for it to continue as a functional landscaped buffer strip, and not cause a break to the green network.

The landscaping strip clearly has a landscape and ecological value, issues of which have been assessed with advice sought from the Landscape Officer and the

Biodiversity Officer. Given that it is proposed to retain the majority of the existing trees along the Rotherham Road frontage and that compensatory planting and mitigating ecological enhancements are also proposed, the measures are considered to be satisfactory, such that any harm resulting from the proposal is not considered to be significant and the balance is weighed in favour of the proposed development.

It is on this basis, that the proposed development is considered acceptable in open space policy terms and will meet the requirements of the above policies and the NPPF.

RETAIL POLICY

The proposal is for a discount food store (use class E), which is a 'main town centre use' as defined in Annex 2 of the NPPF. The store will have a gross internal floor area of 1,939m² with a net sales area of 1,248m².

The development is not located in an existing Local or District Shopping Centre and therefore it is relevant to apply UDP Policy S5 'Shop Development outside the Central Shopping Area and District Centres', which has three parts to it.

The first part of the policy relates to edge of centre development but as the proposal is in an out of centre location this is not relevant to the application.

The second part sets out four criteria under 'Other Development' but the proposed development does not fall under these criteria as it is not a small shop (defined at less than 280m²); it is not in or at the edge of a local centre; it is not in a Retail Park; nor is it part of Meadowhall Shopping Centre.

The third part of Policy S5 lists seven criteria (a) to (g), that all retail development outside the Central Shopping Area and District Shopping Centres must satisfy. Parts (a) and (b) require that the vitality and viability of the City Centre or any District Shopping Centre as a whole (and cumulatively) is not undermined. Secondly, private sector investment needed to safeguard the vitality and viability of the Central Shopping Area and District Centres must not be jeopardised by the proposal.

The other criteria (c) to (g) relate to non-retail issues which includes highways and transport, and land use issues, and are covered under the relevant sections of the report. Retail development must satisfy the following criteria:

- It would be easily accessible by public and private transport and provide satisfactory access for people with disabilities and people arriving by foot, cycle or public transport; and
- It would not have a significant harmful effect on public transport services or priority measures or on other movement on the surrounding road network as existing or, where appropriate, as proposed to be improved; and
- The traffic generated would not result in a significant increase in the number and length of customer trips; and
- It would not take up land where other uses are required nor give rise to shortages of land for those uses which are preferred; and
- It would comply with other relevant policies which in this case would be IB9.

UDP Policy S5 is not considered to be fully up to date with the sequential and impact tests set out in paragraphs 86 to 91 of the NPPF as outlined below. Policy S5 relates to the two impact tests incorporated in paragraph 90, although they are not phrased in the same manner as the NPPF and Policy S5 only applies to District Centres and the Central Shopping Area whereas the NPPF would apply the tests to all centres. Policy

S5 also has no floorspace thresholds for when an impact test is required unlike the NPPF.

In light of the above, whilst the wording of Policy S5 is out of date, given the High Court Judgement of Aldersgate/Mansfield, which made it clear that even out of date policies still remain part of the development plan and that any decision is required to assess whether the proposal accords with it, as the starting point. This means that the criteria in Policy S5 must be considered. However, Policy S5 in this instance carries less weight than the more up to date guidance set out in the NPPF and the NPPG.

Sequential Test

Paragraphs 86 to 91 of the NPPF emphasise the significance and role of town centres and in paragraph 87 it specifically requires the proposal to pass the sequential test to ensure that proposals for main town centre uses are located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 88 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

The application site is regarded as an out of centre site as it is not in or on the edge of an existing centre. The site is accessible by foot and has access to a local bus service, with a bus stop sited on an adjacent footway.

Paragraph 90 of the NPPF then requires that where retail and leisure development is proposed outside town centres, an impact test is required for developments for which a trigger point of 2,500m² is set. Similar to UDP Policy S5, the impact test comprises two parts. The first relates to whether or not the proposal is likely to lead to a significant adverse impact on existing, committed and planned public and private investment in the centre or centres in the catchment area of the proposal. The second part relates to whether the proposal is likely to lead to a significant adverse impact on the vitality or viability of 'town centres' (city centres, town centres, district centres and local centres).

Paragraph 91 states that where a proposal is likely to lead to a significant adverse impact on one or more of the considerations in paragraph 90 it should be refused.

The applicant has undertaken a sequential test which has been considered by officers. In this instance, the application site is in an out of centre location so both edge-of and in-centre locations have been considered.

The purpose of the sequential test is to ensure that the suitability of more central sites to accommodate the proposal have been fully considered. The applicant has identified that the proposed development will have a 6-minute drive time catchment area. This is based on a real time drive time taking into account other variables such as traffic and average speed time. Officers concur that a 6-minute drive time catchment area is suitable for a discount food store and the assumption is that shoppers will generally travel to the retail destination that is closest to them.

The following centres were assessed as part of the sequential test:

- Darnall
- Handsworth
- Richmond Road

- Crystal Peaks
- Manor & Manor Top
- Swallownest (Rotherham)
- Beighton
- Woodhouse
- Waverley (Rotherham)
- Catcliffe (Rotherham)
- Intake

The applicant has listed selection criteria to assess the suitability and availability of sites in the catchment area of the proposal, which includes:

- size of building to accommodate 1,900m² plus or minus 10% (this is taken to mean a site capable of accommodating a building as the proposal itself is proposing a new build);
- sufficient parking and site access (this is a recognised requirement of foodstores, particularly discount foodstores, although there may be circumstances where nearby in a Centre or shared parking with another store could be achieved);
- a competitively priced rental agreement or available for purchase (there may be sites however, that are not being actively marketed at the present time but may still become available within a reasonable period);
- building must be in good condition to minimise fit out/refurbishment costs (not a relevant criteria as the proposal itself is not a refurbishment of an existing building but a new build) or the site must be clear and vacant;
- not located close to an existing store of the same operator (should not be a reason to discount it. Whilst an operator is identified, the granting of permission would not limit the development to a particular operator);
- HGV access to the site (this is important but achieving this through design and layout of the building and car parking should not be discounted if the site meets the size criteria);
- sequentially preferable site in an in-centre location or failing that, an edge of centre location (this is accepted but it must also be well connected to the centre); and
- the site be located in a residential area in order to be located close to a customer base (it is accepted that it would need to cover a sufficient number of potential customers, but this does not mean it has to be within a residential area).

The applicant states that they have carried out a thorough review of the proposed catchment area, and no suitable or available sites have been found. The following sites were investigated:

- Darnall - Land on Darnall Works - the site was too large and there was no option to sub-divide the site;
- Handsworth - Plot 6 Orgreave Place: Commercially inappropriate location with poor visibility to public domain - site is being sold as a potential open storage site;
- Richmond Road – Richmond Road convenience store (no. 394 Richmond Road) - Site too small (130m²);
- Manor/Manor Top – Manor Park Post Office (no. 38 Manor Park Centre) - Site too small;
- Beighton – 53/55 High Street - Site too small (191m²);
- Woodhouse – Chapel Street, leisure facility: Costs would be too much to refurbish and the site was too small;

- Waverley – Brunel Way/Whittle Way (within the Advance Manufacturing Research Centre) - Inappropriate location;
- Intake – 11 Birley Vale Avenue - Commercially inappropriate location with poor visibility to public domain; and
- Catcliffe, Crystal Peaks and Swallownest – no sites identified.

Officers also reviewed the Local and District Centres within the catchment and concluded that there were no sequentially preferable sites. Furthermore, Rotherham Metropolitan Borough Council (RMBC) has confirmed that there are no sequentially preferable sites within or on the edge of Swallownest District Centre, and the local centre at Swallow Wood Road has been developed and therefore can be discounted. However, RMBC raised concerns about the proposal on the basis that it was clear as to which centres had been identified and assessed and no information had been provided regarding two proposed indicative local centres at Waverley. In response to RMBC's comments, the applicant has since amended the Retail Impact Assessment and provided relevant commentary.

The applicant has provided additional information which includes a list of centres (which are listed above) which have been identified to carry out the sequential test.

In respect of Waverley (a district in Rotherham) Outline planning permission (with all matters reserved except for the means of access) was granted in March 2011 (refer planning permission no. RB2008/1372) for a new community comprising residential (3890 units), commercial development (including office, live/work, retail, financial and professional services, restaurants, bars, cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space, 2 schools, community facilities, footpaths, cycleways, and associated infrastructure. Subsequently, a number of planning applications were determined, which sought variations to conditions and Section 106 agreements.

In 2017, the applicant, in bringing forward further development at the Waverley New Community site, sought to amend and update the approved parameter plans and master plan principles to reflect the agreed Highfield Commercial Master Plan Development Framework Document (refer RB2017/0743). Highfield formed one part of the wider Waverley master plan. Additional changes were sought in relation the land use plan, including the relocation of various uses from the Waverley Square local centre to the Waterfront local centre, ensuring consistency with the extant planning permission for a mixed-use centre on the Highfield commercial site (refer RB2017/0650). The proposed changes sought under planning permission RB2017/0743 permitted the area of the masterplan previously referred to as Waverley Square and the majority of the Park and Ride site to be renamed Waverley Central Square, which would now comprise residential uses; and the ancillary mixed use facilities including retail, commercial and community uses (which were reduced in size/quantum) were relocated to the Lakeside Local Centre.

A later Waverley Masterplan has been produced (dated June 2021) which no longer proposes the permitted 2017 scheme at Highfield Commercial, as it is no longer viable or achievable owing to market demands and changes. A smaller scale mixed use local centre is now proposed, comprising a high street anchored by a food store with complimentary leisure, retail, health, food and beverage and residential uses. The new local centre will be the primary retail element of the community, catering for the needs of residents and workers from the adjacent Advanced Manufacturing Park to west of the site.

A further planning application has been submitted to Rotherham Council (refer RB2021/0777) which proposes a mixed use scheme, comprising a supermarket, retail and services (Use Class E a and c), food and drink, gymnasium, offices, community

centre, 10 residential units and associated car parking, transport hub and associated infrastructure works. The development will occupy one part of the larger Highfield Commercial site. Retail floorspace across the Waverley New Community site has been reduced to a maximum of 1,300m² to be located within the secondary local centre at Waverley Waterside, which is now intended to be secondary to the proposed main mixed-use centre now proposed at Highfield Commercial.

The applicant argues that the latest planning application submitted to Rotherham (RB2021/0777) proposes a scheme comprising of multiple units which encompasses a significant proportion of the Centre's provision of retail floorspace, and therefore has been discounted as available land in Waverley Centre (and edge of centre) as a potentially sequentially preferable site. The proposed discount food supermarket appears to have been earmarked by Aldi and is therefore not considered to be an available potential site.

The applicant also argues that the entirety of the land designed to be the local centre was under the ownership of Harworth, with plans already in place for its development, and this therefore discounts them as a potential sequentially preferable site. The Waverley site, or any part of it, has not been marketed as available during the drawing up of proposals for the development at Rotherham Road. Furthermore, the timescale for bringing the Rotherham Road development forward will be immediately following consent.

The applicant maintains that there are no other reasonably available, suitable and deliverable sites within the defined area. Of the sites reviewed, none are sequentially preferable and do not comply with the criteria set out for the proposed development, with all of the sites being too small, except for one site near Intake which was not in a sequentially preferable location and did not have sufficient parking spaces available.

It is on this basis, that your officers concur that there are not considered to be any sequentially preferable sites and premises within the proposal's primary catchment which would become available within a reasonable period and which could reasonably accommodate the development proposed. The application therefore passes the sequential test.

Retail Impact Assessment

Paragraph 90 of the NPPF states that in assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, Local Planning Authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. In the case of Sheffield, there is no locally set threshold and so the NPPF sets a default threshold of 2,500m² gross floorspace. The NPPF requires that the assessment includes:

- (a) The impact of the proposed on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- (b) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Even though the proposal is below the trigger point in the NPPF, UDP Policy S5 does require us to consider impact in general terms and the PPG promotes the consideration of the impact on like-for-like developments.

As previously stated, Policy S5 is not fully up to date with the NPPF (for the reasons previously described) but it is clear from the *Aldergate vs Mansfield High Court* judgement, that even out of date policies are still part of the development plan, and that

any decision is required to assess whether the proposal accords with it, as the starting point. The local planning authority may give less weight to Policy S5 but only after it has been considered.

In satisfying the requirements of UDP Policy S5 all retail developments outside the Central Shopping Area and District Shopping Centres (which the proposal is) the impact of the proposed development must be assessed to ensure:

- (a) it would not undermine the vitality and viability of the City Centre or any District Shopping Centre as a whole, either taken alone or cumulatively with other recent or proposed development; and
- (b) It would not jeopardise private sector investment needed to safeguard the vitality and viability of the Central Shopping Area or District Shopping Centres or put at risk the strategy or proposals for promotion and regeneration of those areas.

This approach is very similar to the wording in the NPPF and Planning Practice Guidance (PPG), although the precise wording in the NPPF updates the UDP policy slightly.

In respect of the cumulative impact of the proposed scheme on recently opened convenience stores or other planned development, the most relevant sites are:

- Aldi, Drake House Way
- Lidl, Castleback Avenue
- Aldi, Swallow Wood Road, Swallownest
- Proposed Waverley store

It is however, noted that UDP Policy S5 carries less weight as it is not consistent with the NPPF, which does not require the cumulative impact of other recent or proposed developments to be assessed. It would be unreasonable to give significant weight to the cumulative impact as this would be inconsistent with national policy and therefore also inconsistent with the approach undertaken outside of Sheffield. This avoids taking an overly restrictive approach in Sheffield compared to other local authority areas.

In relation to paragraph 90 part (a) of the NPPF, the proposed Waverley Centre, in Rotherham is identified as the only in-centre planned private investment in the proposal's catchment area.

The proposal at Waverley in Rotherham (reference number RB2021/0777) includes a new Aldi and additional retail that could be considered to add to the cumulative impact.

RMBC raised concerns about the proposal on the basis that the impact assessment does not consider the local centres at Waverley.

The submitted Addendum (published on the file 22.09.2021) in section 3.3.0 only really assesses the impact on the proposed food discounted retailer such as Aldi proposed at the Waverley Centre. It doesn't look any further at the impact on Waverley Centre or centres for the reasons set out in paragraph 3.3.5, specifically "on the basis that the Waverley District Centre is yet to come forward, there is no state of health as such to speak of. Rather, existing residents in the Waverley district will presently be travelling outside of the catchment to meet their convenience retail needs. Therefore, notwithstanding any hypothetical impact from the proposal store at Rotherham Road or other stores recently brought into operation, the health of the emerging District Centre at Waverley should not be adversely affected once it is brought forward and becomes established."

The current planning application for Waverley District Centre which includes a 1,315m². Aldi store has been assessed in the RIA but has not assessed any additional retail space allocated in the Centre. It comes down to whether the Waverley plans are detailed enough to be able to consider them as “planned investment” in terms of the NPPF paragraph 90 – there is no definition as to what constitutes “planned investments” in the NPPF. It is also relevant to consider whether the retail element that isn’t an Aldi store would be considered as ‘like-for-like’ in terms of the PPG requirement. The latest proposals suggest a relatively smaller scale retail/commercial proposal which may not be able to accommodate an additional store.

The applicant argues that there is no current centre at Waverley on which to measure any potential impact as a result of the proposed development. Also, the lack of confirmed uses for the remaining proposed units at Waverley precludes approximating a turnover for the centre against which to measure impact, trade draw etc. Nevertheless, the applicant has drawn information from the submitted Retail Impact Assessment which was submitted as part of the latest planning application to Rotherham (RBC/0770), noting that the proposed non-Aldi floorspace comprises of smaller units and do not represent ‘like-for-like’. The applicant is also of the opinion that the Aldi would not have accepted other discounted food retailers operating in the same local centre as part of their agreement with the landowner.

It is also argued by the applicant that as the Waverley Centre will include a discount food retailer, the proposed Lidl store would not materially impact on the health of the centre at Waverley once it becomes established. Had Waverley Centre not included a food discount retailer then it would be reasonable to suggest that the proposed Lidl store on Rotherham Road would draw users away from other retail units in Waverley, thus affecting the health of the centre. The applicant maintains that since there is a confirmed discount retailer in the proposed Waverley Centre, the proposed Lidl store would not affect the health of Waverley Centre. It is considered that this is a reasonable assumption to make.

Given the above, it is not considered that the proposed Lidl foodstore is likely to compete directly with the proposed planned investment of Waverley Community Centre. The latest figures in the Retail Impact Assessment suggest a 5.23% reduction in trade for the proposed Waverley store, with a market share reduction of -0.28%, which is not considered to be a significant impact on vitality and viability

The second part of paragraph 90 of the NPPF also requires consideration. Part (b) requires an assessment of the impact of the proposed development on town centre viability and vitality, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

A Retail Impact Assessment has been submitted in support of the application, which is in line with the advice set out below in the National Planning Policy Guidance (NPPG).

- Establish the state of existing centres and the nature of current shopping patterns (base year)
- Determine the appropriate time for assessing impact, focusing on impact in the first five years, as this is when most of the impact will occur
- Examine the ‘no development’ scenario (which should not be necessarily based on the assumption that all centres are likely to benefit from expenditure growth in convenience and comparison goods and reflect both changes in the market or role of centres, as well as changes in the environment such as new infrastructure)
- Assess the proposal’s turnover and trade drawn

- Consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities (which may require breaking the study area down into a series of zones to gain a fine grain analysis of anticipated impact)
- Set out the likely impact of the proposal clearly, along with an associated assumptions or reasoning, including in respect of quantitative and qualitative issues
- Any conclusions should be proportionate

A proposed catchment area has been agreed by Officers, which is based on a 6-minute realistic drivetime isochrone. This is considered to be reasonable and where it would be expected to draw its trade from. The drivetime accounts for other variables such as the level of traffic and peak hours. The catchment area falls within zones 7, 8 and 9 (as identified in the Council's Joint Leisure Retail Study (JLRS)), with primary postcodes identified within S13, S60, S26, S9 and S20.

The NPPF and the UDP do not define the meaning of 'significant impact'. In assessing a significant adverse impact is likely to occur, comparing Local and District Centres post impact turnovers with their benchmarks is considered to be an appropriate starting point. In making a judgement about how significant an impact is likely to be on the vitality and viability of a centre, the existing health of the centre is an important factor as described in the NPPG. For example, a small impact on an already struggling centre is more likely to be significantly adverse than on a Centre that has fewer vacancies, a good range of shops and high footfall.

The applicant has considered the health of the Centres closest to the site, which includes Darnall District Centre, Woodhouse District Centre, Handsworth Road/Bramley Lane Local Centre and Swallownest District Centre (Rotherham MBC). These centres are most likely to be affected due to their proximity to the site and due to them having existing retailers that are similar to the proposed foodstore. There is a large number of small Local Centres throughout the Handsworth, Woodhouse and Richmond areas but they only have a small number of shops serving a local area and are unlikely to compete with the proposal.

The applicant concludes that the above centres are in good health with low levels of vacancy rates. It is acknowledged that there are limitations to undertaking town centre health checks at this time, such as observing footfall levels and vacancies, due to the Government-enforced measures requiring people to work from home (where possible) and the closure of 'non-essential' businesses earlier during the pandemic. The health check carried out by the applicant is satisfactory and there are no reasons to disagree with the findings. The centres have localised services such as cafes, pubs, takeaways, pharmacies, beauty salons and convenience stores, all of which contribute to the vitality and viability of the centres.

The main points of impact will be felt by the Co-op in Woodhouse District Centre, the Lidl in Darnall District Centre and the Aldi at Turners Business Park (an out-of-centre location).

The assessment of impact clarifies the expected sales density of the proposed store. The sales density for a discount foodstore of £11,439/m² represents an adequate 'worst case' as this is at the high end of sales densities for such operators, bearing in mind that the 2017/18 Mintel UK Retail Rankings assigned Lidl with a sales density of £9,652/m² and Aldi at £11,915/m². Based on a sales area of 1,248m² the expected turnover is forecast to be £14,275,872.

The assessment adopts a design year of 2023, which is suitable to allow two years after opening to reach 'a mature trading position' (NPPG). The originally submitted assessment used 2020 and 2023 base year and design year population and

expenditure estimates from the JLRS but an addendum to the assessment, which now uses the most up to date estimates in respect of 2023 population and convenience spending figures for the relevant zone catchments (Zones 7, 8 and 9) have been taken from the Experian's latest Retail Planning Briefing Note 18 (October 2020) (RPBN18). This results in a more accurate assessment and is consistent with other retail impact assessments carried out in support of other recent planning applications.

The later estimates allow for a 4.58% increase in population from 2016 to 2023 within each Zone, however in the case of Zone 9 it is projected that the population increase will be 9.58%. This is owing to the fact that the JLRS projected higher population for this zone.

The assessment shows that, based on population estimates for 2023, the projected convenience expenditure per head in Zones 7, 8 and 9 will be £1,890, £2,008, and £1,747 respectively, all of which are below the national average. The total convenience expenditure for the three zones is calculated to be £314,405,922; comprising Zone 7 - £147,227,198; Zone 8 - £116,157,403; and Zone 9 - £51,021,321. The total convenience expenditure across the agreed isochrone catchment will £239,514,431.

Using the figures above, the assessment looks at three scenarios in order to assign different levels of trade draw from existing Centres and retailers:

- 1) the first assumes all trade will be drawn equally from all retail destinations in the catchment;
- 2) the second tapers the trade draw according to distance from the proposal; and
- 3) the third makes a judgement according to their similarity with the proposed operator.

The trade draw assumptions are likely to be a combination of scenarios 2 and 3, which follows the advice in the NPPG (paragraph 15). Two approaches have been taken to assess the impacts in the catchment areas.

The first assessment (Addendum published 22nd September 2021) applies a weighting based on the distance away from the site across the zones 7, 8 and 9 (Scenario 2) and then takes account of whether a like-for-like discount store (i.e. Aldi or Lidl) is located within the catchment (Scenario 3).

The second assessment (Addendum published 11th November 2021) applies an adjusted weighting to reflect likely customer preferences. This means that different adjustments need to be applied for each zone. The resultant figures therefore affect the outcome for Scenario 3. The Impact of the Proposal

The following set of impact figures are of the proposal on its own. The figures show a projected turnover of £14,275,872 for an unknown store (based on a worst-case scenario that the proposed Lidl store does not occupy the premises for the lifetime of the development), which represents a 4.54% trade draw of the total projected convenience expenditure in Zones 7, 8 and 9.

		Trade Draw of Zones 7, 8 and 9	Trade Draw of Isochrone
Lidl (expected turnover)	£8,436,480	2.68%	3.52%
Unknown store (estimated turnover)	£14,275,872	4.54%	5.96%

The expected market share impact on the affected district centres would be a combination of Scenarios 2 and 3.

The figures below show the market share reduction for each district centre under Scenario 2 for the combined zones 7, 8 and 9. These figures are relevant to both assessments and present a general picture of the affected combined zones.

District Centres	Post-Devt Market Share of Turnover (%)	Market Share Reduction (%)
Swallownest DC	0.09%	- 0.01
Woodhouse DC	1.06%	- 0.09
Darnall DC	0.47%	- 0.04
Handsworth Market	0.07%	- 0.01
Handsworth Shops	0.18%	- 0.02

The figures below show Scenario 3, which is based on whether or not the district centres include like-for-like retail, i.e. a discount retailer Lidl or Aldi. Each of the districts of Swallownest, Darnall and Handsworth have a Lidl or Aldi and as such, no additional weighing reduction in turnover has been applied. This approach has been taken on the basis that the expectation would be that local residents are present in their locality and therefore unlikely to travel further afield to another discount retailer.

In the case of Woodhouse, where there are no such discount retailers, the weighting for Scenario 2 has been increased by 10% to reflect the lack of competitive stores in the catchment. This is premised on the possibility that the presence and choice of a new discount retailer in a neighbouring centre would draw the trade of local residents away from the non-like-for-like stores currently being used.

Scenario 3: Adjusted Estimated Turnover and Market Share Reduction

	Post Devt Turnover	Post Devt Market Share	Total Projected Turnover Reduction (£m)	Total Projected Market Share Reduction
Swallownest DC	£0.31	0.10%	£0.00	0.00%
Woodhouse DC	£2.83	0.90%	£0.76	-0.24%
Darnall DC	£1.63	0.52%	£0.03	0.01%
Handsworth Market	£0.21	0.07%	£0.04	-0.01%
Handsworth Shops	£0.52	0.17%	£0.11	-0.03%

In considering the potential impact on the health of the existing centres, the figures show that the market share reductions for all but one district centre are under 0.1%, which is not considered to be significant. In the case of Woodhouse, it shows a 0.24% market share reduction although the applicant argues that the actual impact on the health of Woodhouse District Centre will be limited. This is due to the fact that the existing Centre does not have a like-for-like discount store and so therefore the presumption is that local residents are already likely to travel by car to other centres. The proposed new discount store is not expected to materially increase the degree to which local residents in Woodhouse travel elsewhere to meet their needs.

A further assessment has been carried out, which is still based on whether there is a like-for-like store but instead an adjusted weighting has been applied to reflect the location of specific stores, to account for customer preferences.

Scenario 3 – Estimated Turnover and Market Share Reduction

	Post Devt Turnover	Post Devt Market Share	Total Projected Turnover Reduction (£m)	Total Projected Market Share Reduction
Swallownest DC	£0.31	0.10%	£0.00	0.00%
Woodhouse DC	£3.05	0.97%	-£0.54	-0.17%
Darnall DC	£1.63	0.52%	£0.03	0.01%
Handsworth Market	£0.21	0.07%	-£0.04	-0.01%
Handsworth Shops	£0.52	0.17%	-£0.11	-0.03%

The adjusted weightings show a reduced impact on the Woodhouse Centre with no additional impact for other centres within the catchment area.

Other stores have recently opened and there is a planned discount retail store proposed at the emerging Waverley Centre. The table below shows the expected trade draw from the total catchment of Zones 7, 8 and 9.

Proposed/New Store	Projected Turnover	% Market Share
Proposal site	£14.3	4.55%
Aldi, Drakehouse Way	£8.1	2.57%
Lidl, Castlebeck Ave	£1.5	0.48%
Aldi, Swallow Wood Road, Swallownest	£0.2	0.06%
Proposed Waverley Store	£17.3	5.51%
Totals	£41.3	13.17%

The figures suggests that all of the new and/or planned developments account for 13.17% of the overall market share of the three zones combined.

Assessment of Potential Impact

The main impact will be on the following stores and centres and whilst it does impact on other stores within the wider catchment, the impact is considered to be minimal.

Co-op on Chapel Street in Woodhouse

The expected turnover of this store as set out in Table 5e of the 2017 Joint Retail & Leisure Study (JRLS) was £8.6m, the current turnover from the catchment area referred to in the RIA is close to this at £8.41m, suggesting that the catchment area accounts for the vast majority of the store's income. The anticipated turnover set out in the initial Addendum in Table 11 suggested a reduction in turnover to £7.75m, around a 1% fall from that predicted in the JRLS. The revised assessment suggests a reduction in turnover to just £8.09m, a reduction of only 0.6%. The two assessments therefore suggest an impact of between 0.6 and 1% on this store, which would normally be a manageable reduction for a store that is trading well.

In respect of the estimated drive time of 4 minutes between this store and the proposed new store, this is probably optimistic, but a longer drive time would have the effect of

reducing the draw from one location to another and result in a lower impact, so the drive time representing a worst-case scenario, is considered acceptable in this instance.

Impact on Woodhouse

The expected turnover as set out in Table 5e of the 2017 JRLS for Woodhouse was £13.3m, but the current turnover from the catchment area referred to in the RIA in the latest version of Tables 11 and 12 is only £3.59m, suggesting that the catchment area only accounts for just over a quarter of Woodhouse's turnover. The anticipated turnover reduction is £760K, around a 21% reduction from the catchment area but only a 5.7% fall from the total turnover that is predicted in the JRLS. This is using the weighted figure for Scenario 3, although it is noted that the applicant argues in favour of scenario 2. Whether this is a reasonable level of impact depends on the health of the Centre. Our latest figures suggest that the vacancy rate of the Centre is low at around 5% (as of April 2019), so the impact is considered to be marginally acceptable.

Aldi, Turner's Business Park, Handsworth

The expected turnover of this store as set out in Table 5e of the 2017 JRLS was £36.6m, the current turnover from the catchment area referred to in the initial Addendum to the RIA in Table 11 is £24.93m, suggesting that the catchment area accounts for around 68% of the store's income. The anticipated turnover set out in the initial Addendum suggested a reduction in turnover to £21.87m, around an 8.3% fall from that predicted in the JRLS. The revised assessment suggests a reduction in turnover to £23.73m, a reduction of only 3.3%. The two assessments therefore suggest an impact of between 3.3% and 8.3% on this store, which would normally be a manageable reduction for a store that is trading well, which the turnover figures would suggest is the case. As an out-of-centre store, this would not necessarily be any more favourable a location in retail policy terms as the proposed development. On this basis the likely impact is therefore considered acceptable.

The proposed drive time of 3 minutes, is again a little optimistic but given that this represents a worst-case scenario then this is acceptable in this instance.

Waverley Store and Centre

An assessment has been carried out to establish any potential impact on a proposed discount foodstore at the emerging Waverley Centre. A drive time of 3 minutes has been estimated which is considered to be acceptable. The figures in Tables 13b (Scenario 2) and 13c (Scenario 3) show that the store will have an estimated turnover of £17.3m and as a result of the proposed development the turnover will reduce by 5.23% to £16.4m. This will mean that the market share for the Waverley store will reduce by - 0.28%. This level of impact is not considered to be significant and subsequently the impact on the health of the emerging Waverley Centre is considered to be acceptable.

Given that the Waverley Centre is yet to come forward it is argued that there is no state of health from which to assess as it does not exist, so the impact is hard to accurately predict. The applicant argues that existing residents in the Waverley area will be travelling outside of the catchment to meet their convenience retail needs. Officers do not dispute this fact. Furthermore, in light of a revised masterplan (June 2021) for Waverley and a new full planning application (refer RB2021/0777) for development of the Waverley Centre, which gives an indication of the development put forward, it would suggest that there is no scope for another discount store in the Waverley Centre.

Other Retail Stores and Centres

Of the remaining stores and centres which have been considered as part of the overall retail assessment, table 11 (Scenario 2) and table 12 (Scenario 3) of both the earlier and later assessments show minimal impact in terms of loss of turnover and market share.

The retail stores, with the exception of those identified above, show that the stores will have market share reductions of no more than 0.05%. The reductions are not considered to be significant and unlikely to have a detrimental impact on the economic viability of each store.

With regards to Swallownest DC, Darnall DC, Handsworth Market and Handsworth Shops, the greatest turnover reduction is shown to be Handsworth Shops, with a reduction of £0.11m as the worst-case scenario, whilst Darnall is forecast to have a greater reduction (of up to 0.04%) in terms of its overall market share. Given these figures presented, it is not considered that the impact will be significant such that it would adversely affect the vitality and viability of the Centres.

Retail Policy – Conclusion

There are not considered to be any sequentially preferable sites in the catchment area of the development site that are suitable and available.

The submitted Retail Impact Assessment concluded that there would be a marginal impact on Woodhouse District Centre with other Centres having minimal impact. Given the limited scale of the proposal, your officers concur with these findings. The largest impact will be on Aldi at Turner's Business Park, Handsworth. The level of impact is considered to be acceptable and, given that this store is also in an out-of-centre location, it is not afforded any greater weight than the application site.

It is concluded that the proposed development will not undermine the vitality and viability of any District Shopping Centre as a whole and will not jeopardise private sector investment needed to safeguard the vitality and viability of centres. It therefore satisfies the tests laid out in the local development plan and the NPPF when considered as a whole.

Design

UDP Policy BE5 and Core Strategy Policy CS74 set out the design principles. Policy BE5 requires development to incorporate good design, the use of good quality materials and encourages original architecture. New buildings should complement the scale, form and architectural style of surrounding buildings and the design should take account of the natural and built features of the site.

Core Strategy Policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the City, its districts and neighbourhoods, including (a) the topography; (b) views and vistas to landmarks and skylines into and out of the City Centre; (c) the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials; and (d) the distinctive heritage of the city. Development should also contribute to place-making and be of high quality, that promotes the city's transformation, and contribute towards creating attractive, sustainable and successful neighbourhoods.

Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development and being clear about design expectations and how these will be tested, is essential for achieving this. Paragraph 147 sets out a series of expectations including ensuring developments are visually attractive as a result of good architecture, layout

and appropriate and effective landscaping and should contribute towards creating distinctive places to live, work and visit, whilst also being sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change. Developments should establish and maintain a strong sense of place; optimise the potential of a site and create places that are safe, inclusive and accessible.

The Development Plan policies are consistent with the NPPF, and as such it is considered that they can be afforded significant weight.

Prior to the submission of this planning application, the applicant had entered into pre-application discussions for the same proposal. The scheme is largely the same as that previously considered but now takes on board some of the recommendations put forward by officers.

There is no objection to the principle of a retail unit on the site, provided that it will achieve good pedestrian connectivity as stated in the previous pre-application response. It was recommended at pre-application stage, that the building be re-sited, set forward within the plot, such that it would front onto Orgreave Road to better relate to the street frontage and move the building away from rear gardens of residential properties fronting onto Retford Road, although it is recognised that there are some advantages to the siting from a residential point of view as the residents of Retford Road will be screened from the main activities of the car parking and servicing by the building itself.

The site currently comprises of a number of buildings of varied height, with the main 5-storey block sitting in the centre of the site. The buildings have no architectural or historical merit to warrant their retention and as such there is no objection to the demolition of the buildings. The demolition of the buildings will facilitate the comprehensive redevelopment of the site, which is particularly welcomed as the site is unkempt apart from the westerly boundary which offers green space that includes mature trees.

The bulk of the site is set down below the Rotherham Road frontage and is partially screened by a row of mature trees, as well as being partially concealed by existing residential properties fronting onto Retford Road. A natural stone wall extends along the Rotherham Road frontage, wrapping around the corner to front onto Retford Road. This is an attractive robust feature of the site and will be retained.

The proposed food store will be set down and set back within the site, positioned towards the rear, southern edge of the site, behind the Retford Road properties, orientated to face Orgreave Road. The food store will overlook onto an ancillary car park, served by a new means of vehicular access from Orgreave Road. An access road will extend along the eastern edge to provide a vehicular route to an area in the south-east corner to be allocated as a future telecommunications site. Soft landscaping will be introduced along the main frontages of Orgreave Road, Rotherham Road and Retford Road.

The food store will be single-storey in height, incorporating a shallow, monopitch roof comprising of a composite roof panel system colour finished in light grey/silver. The exterior of the building will be treated using a simple palette of materials: predominantly faced in horizontally laid, metal clad panels (final colour finish to be agreed), with blue aluminium, full height, vertically orientated curtain walling introduced to the side elevation facing Rotherham Road and to the main entrance facing north into the car park and Orgreave Road. The glazing will provide some visual relief, breaking up the elevation as this is likely to be the most visible elevation owing to the orientation of the

building. Aluminium eaves and rainwater goods will be colour finished in light grey/silver consistent with the roof and elevations.

Large advertisement panels are proposed along the frontage of the building, with more subtle signage provided elsewhere on the side and rear elevations. The principle of signage on the building is considered acceptable but full details will be subject to a separate advertisement application.

The proposed scale, massing and design are broadly acceptable, subject to finer details being agreed to ensure a quality finish and, in particular, the external clad panels being of sufficient quality. Large scale typical details including samples of materials will be secured by condition. The design of the food store is simple, offering little articulation but sufficient variation in the elevations and as it will be single-storey and set back within the site, it will not be a visually dominant feature in the street scene.

The proposed food store will sit comfortably within its commercial and residential setting and the design and layout of the proposed development is considered to be compatible with the existing townscape. The proposed development will deliver an appropriately designed scheme, which will meet the requirements of local design policies and the National Planning Policy Framework.

Landscaping

UDP Policy GE15 'Trees and Woodland' requires the retention of mature trees, copses and hedgerows, where possible, and replacement of any trees which are lost.

Paragraph 131 of the NPPF reinforces the important contribution of trees to the character and quality of urban environments and which can also help mitigate and adapt to climate change. Opportunities should be taken to incorporate trees elsewhere in developments and appropriate measures put in place to secure the long-term maintenance of newly planted trees, and for existing trees to be retained wherever possible.

Paragraph 174 of the NPPF sets out that planning decisions should enhance the natural and local environment and makes reference in part (b) to the economic and other benefits of trees and woodland.

Details of both hard and soft landscaping have been submitted in support of the application. Whilst much of the site will be hard-surfaced to facilitate car parking and servicing, it is proposed to provide enhanced soft landscaping along the three frontages of Rotherham Road, Orgreave Road and Retford Road. In delivering the scheme, several existing trees will be removed and their loss will be compensated for through the planting of a number of new trees, with particular emphasis being on the Retford Road and Rotherham Road frontage. Four trees will be removed in the south-west corner to facilitate a new pedestrian access including an accessible ramp. Other trees to be removed are those scattered along the southern and eastern boundaries, which are not good specimens. New soft planting will be introduced along the southern boundary to the rear of existing residential properties fronting onto Retford Road and will help screen and soften the development.

Retaining structures will be constructed within the site where necessary, to address the ground levels.

Root protection measures will be provided to ensure no damage to trees which are proposed to be retained. Full details of all elements of the proposed landscaping will be secured by condition.

The existing natural stone wall extending along the west boundary fronting onto Rotherham Road will be retained. Robust boundary treatments will be introduced elsewhere, details of which will be secured by condition.

Sustainability

Core Strategy Policy CS63 seeks to reduce the city's impact on climate change by giving priority to development in areas that are well served by sustainable forms of transport; promoting routes that encourage walking, cycling and use of public transport; designing development to increase energy efficiency and reduce energy consumption and carbon emissions; and promote developments that generate renewable energy. Action to adapt to expected climate change will include giving preference to development of previously developed land where this is sustainably located; adopting sustainable drainage systems; and encouraging environments that promote biodiversity, including the city's Green Network.

Core Strategy Policy CS64, which relates to climate change, resources and sustainable design of developments, requires that all new buildings to be designed to reduce emissions of greenhouse gases and function in a changing climate. To satisfy this policy, all new non-residential developments over 500m² gross internal floorspace should achieve a BREEAM rating of Very Good.

Core Strategy Policy CS65, which relates to renewable energy and carbon reduction, requires that all significant developments should provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

The above policies are consistent with paragraph 157 of the NPPF which requires Local Planning Authorities to expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and taken account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. The local plan policies therefore can be afforded significant weight in determining this planning application.

A Sustainability Statement has been submitted in support of the application setting out the proposed measures to minimise energy consumption and provide a low carbon footprint. It is proposed to achieve the highest possible energy efficient building, including consideration of low energy construction techniques and low energy technologies. It is anticipated that a fabric first approach will be taken, achieving high levels of insulation coupled with efficient glazing for the building. An appropriate condition will be imposed to ensure an equivalent 10% reduction in energy consumption can be achieved based on a fabric first approach, and thus meeting the policy requirements.

Other sustainability measures will be included within the development such as cycle parking provision and electric vehicle charging points.

The site represents a brownfield site, having previously been developed and is in a reasonably sustainable location being positioned to integrate into the existing environment and highway network, offering easy access to public transport. The provision of separate pedestrian routes will provide better connectivity to the surrounding area, which will provide customers with alternative options for accessing the site and promote more sustainable methods of travel. Landscape enhancements will increase biodiversity and reinforce their role within the wider environment.

Condition/s will be imposed to ensure that the measures are implemented and thus, comply with the requirements of the above policies and NPPF.

Highways Considerations

UDP Policy IB9 'Conditions on Development in Industry and Business Areas' permits development provided that it would (f) be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

Policy S5 identifies in part (c) that retail developments outside the central and district shopping centres should be easily accessible by public and private transport and provide access for pedestrian, cyclists. They should also (part d) not have significant impacts on public transport services or other movements on the road network; and (part e) traffic generated should not result in a significant increase in the number and length of customer trips.

Policy CS 51 'Transport Priorities' sets out six strategic priorities including developing alternatives to the car, containing congestion levels and supporting economic growth through demand management measures and sustainable travel initiatives.

Policy CS 53 'Management of Demand for Travel' also seeks to make the best use of the road network, promote good quality public transport walking and cycling and use travel plans to maximise use of sustainable forms of travel and mitigate the negative impacts of transport.

The NPPF (paragraphs 104 to 113) promotes sustainable transport. The above local plan policies are considered to broadly align with the NPPF and therefore carry substantial weight in the determination of the application. The NPPF also 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 (NPPF paragraph 111).

The application site is located on the Orgreave Road industrial estate and is currently accessed from Orgreave Road by two access points. These would be closed as part of the proposals with a single new all-purpose access point created. Orgreave Road leads out onto Rotherham Road (B6066) at a position close to its junction (approximately 95 metres) with Retford Road (B6200).

New pedestrian accesses would be created from Orgreave Road and from Retford Road (close to the existing bus stop) and there would be highway improvements to the Retford Road / Rotherham Road junction to remove a splitter island and add a right turning lane on the Rotherham Road approach to Retford Road.

Traffic Modelling

The application is supported by a transport assessment undertaken by CoDa Transportation, Consulting Transportation Engineers in September 2020 on behalf of the applicants.

New food retail vehicle trips generally tend to be modest compared with the surveyed background flows (and most of them are not actually new trips). It is accepted by highways practitioners that trips attracted to this type of development are mostly already circulating on the local highway network. Types of trips are broken down as follows:

- New Trips are classed as trips not previously on the highway network prior to the development opening.

- Transferred Trips are already present on the local road network, accessing similar existing sites in the locality of the proposed development and have the potential to transfer their destination to the new development.
- Linked Trips are trips that have multiple destinations within a proposed development site (say between food and non-food uses).

In these instances, trips should not be double counted. Pass-by Trips are already present on the road network directly adjacent to the points of access and simply turn into the development. Diverted Trips are already present on the local road network, but not on the road from which site access is taken, and will divert from their existing route to access the site. These are similar to Pass-by Trips, but they have to deviate to make use of the development, before returning to their original route. Existing Trips are those that were attracted to the previous use of the site and should be deducted from the new generation. TRICS Research Report 95/2 suggests only around 30% of trips attracted to food retail developments are actually new to the local highway network.

In order to determine the impact of the proposal on the operation of the surrounding highway network it has been necessary in the first instance to make an estimate of the likely number of vehicular movements generated by the development. The TRICS database has been used for this purpose.

It is worth noting that all the surveys selected were from sites which were either operated by Aldi or Lidl and having edge of town or suburban locations such that they are consistent with the location and type of development proposed here.

It can be seen that in the AM peak (0800-0900) it is estimated that 44 vehicles will arrive at the site and 29 will leave the site, giving a total of 73 two-way movements. In the PM peak (1700-1800) the estimates are significantly higher at 71 vehicles arriving at the site and 74 departing from the site, giving a total of 145 movements.

When considering the implications of a development it is necessary to determine whether it will result in unacceptable levels of congestion. To this end two junctions have been investigated as part of the Transport Assessment, namely:

Rotherham Road / Orgreave Road
Retford Road / Rotherham Road

The junctions have been modelled for the existing situation and for a future year of 2025 with the development traffic added.

The proposal includes the signalisation of the Rotherham Road / Retford Road junction. This was in part as a result of the Stage 1 Road Safety Audit (RSA) which was undertaken as part of the Transport Assessment.

The modelling shows that under the current conditions, and with the inclusion of the development traffic, the Rotherham Road / Orgreave Road junction currently operates within capacity and will continue to do so for the future year model (2025).

For the Rotherham Road / Retford Road junction it can be seen that whilst the junction operates within capacity for the AM peak, in the PM peak it is approaching capacity and queues are beginning to develop.

The modelling of the junction under signal control indicates that, for both time periods (AM and PM) and for all movements, the junction operates within capacity.

Supplementary information was provided in relation to the Saturday Peak (11.45 to 12.45) which included a classified traffic count on 21 April 2021 between the hours of

10.00 and 14.00 which showed that the junctions close to the proposed store are all operating within capacity with no queues forming. To assess the situation at store opening but to add a level of robustness a future year assessment for 2026 was undertaken with the development traffic and other background growth factored in. This shows that the junctions will all still be operating with spare capacity.

Accessibility

The site is well located in terms of distance to bus stops (between 50m and 120m) from the pedestrian access to the site, where there are a number of frequent services available.

Information submitted with the application and local knowledge of the area indicates a significant number of dwellings within a 2km radius of the site. This distance has historically been considered to be the maximum that people were likely to walk to a destination rather than use the car. More recently research suggests that a distance of 1.2km is a more reasonable estimation of the likely distance that the majority of people will travel by foot. Nevertheless, this distance still indicates that the site is accessible to a significant number of potential customers on foot, given the substantial residential population on this proximity to the site.

Pedestrian connectivity was a particular issue which was raised during the pre-application stage, with the emphasis on providing better pedestrian links to the store. The proposal will provide a separate pedestrian route from Orgreave Road and the northern edge of the Rotherham Road frontage. This will allow pedestrians, possibly employees working in the neighbouring industrial units of the Dore House Industrial estate, to safely access the site on foot, and it will allow a more direct access from Rotherham Road, perhaps serving local residents.

An additional pedestrian route will be provided from Retford Road, close to the junction with Rotherham Road, which will comprise of an accessible ramp and a stepped approach. Both the ramp and stepped approach will be a little convoluted owing to the level differences, which is not ideal, but is considered acceptable in this instance as it will provide a direct access from the adjacent footway and to a local bus stop. Full details of all pedestrian routes including the access ramp will be secured by condition.

Highway Safety Issues

A Stage 1 Road Safety Audit (RSA) has been undertaken in relation to the proposed development. As part of the RSA the local collision data from the past 5 years was examined and found that five personal injury collisions have taken place in proximity of the scheme. All of these collisions were found to have taken place at or near to the Rotherham Road / Retford Road priority junction. Of these collisions, two were serious and three were slight in severity. One of the serious collisions involved a cyclist and one of the slight severity cases involved a pedestrian.

This information corroborates the concerns raised in representations about the safety of pupils walking to school and crossing Retford Road.

The RSA made a series of recommendations, including:

- Provide appropriate drainage at all locations where changes to the road layout and new carriageway are proposed to prevent ponding of water
- Ensure that appropriate tactile paving layouts and dropped crossing points are provided in accordance with current standards
- Provide details of site clearance and visibility displays at the site access and ensure that visibility for vehicles turning right into the store is clear

- Undertake detailed traffic modelling of the existing and proposed junctions to ensure they meet current design standards and operate within capacity
- The introduction of a right lane turn at the Rotherham Road/ Retford Road junction requires the introduction of traffic signals to remove the risk of conflict and the safely control traffic
- Provide signalised controls with staggered crossing to allow pedestrians to safely cross the Rotherham Road approach, together with a number of other pedestrian safety features.
- Where necessary widen the carriageway to safely accommodate all vehicle turning movements (to accommodate HGVs)

These recommendations have been taken on board in the design of the scheme and, in particular the signalisation control of the Rotherham Road / Retford Road junction, which is to be welcomed and will bring significant highway safety benefits to all users of this junction, not just the development traffic. The highway improvements are secured by condition and will ultimately be delivered through a Highways Section 278 Agreement which will deal with the detailed design, incorporating the recommendations of the RSA.

Parking and Servicing

The proposal includes the provision of 103 on-site parking spaces. Based on the current parking guidelines which are expressed as a maximum this represents a slight over provision (by 8 spaces) for the size of store but is nevertheless considered to be within an acceptable tolerance. A number of Electric Vehicle Charging Points are proposed at store opening plus the infrastructure is being installed to allow for 20% of the parking provision across the site to be EV charging points at a future point as demand increases.

The vehicular access will be taken from Orgreave Road and the proposed visibility splays (2.4m x 43m) are in accordance with current guidance for this type of junction. The proposed on-site layout for both customer parking and servicing is considered to be acceptable and has been supplemented by information related to tracking movements for service delivery vehicles.

Highways – Conclusion

An appropriate traffic modelling exercise has been undertaken and officers are of the view that the development, together with the road improvement works proposed, would not materially impact on the safe operation of the local highway network that would warrant the refusal of planning permission.

In conclusion, it is considered that, from a highways perspective, the proposal is considered acceptable in terms of its impact on the safety and capacity of the adjacent highway network as well as the design of the access to the site and on-site layout.

Amenity Issues

UDP Policy IB9 'Conditions on Development in Industry and Business Areas' permits development provided that it would:

- Not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

This is in line with NPPF, paragraph 30 f) which states that development should create places that are safe, inclusive and accessible and which promote health and well-being,

with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The development plan policy can be afforded significant weight in the consideration of this planning application.

Noise and Disturbance

The site is located within a mixed commercial and residential environment with relatively low background noise levels throughout the late evening. The predominant noise source is from traffic along Rotherham Road and Retford Road.

The proposed use will generate noise and activity as a result of the general operations of this type of use. There is potential for noise from the commercial operations, breakout of amplified sound, deliveries, servicing and external plant and equipment.

There is also potential for noise disturbance of customers outside the food store and the access/egress of the site. This disturbance includes people's voices talking, laughing and shouting and/or congregating. Vehicles arriving, engines revving and/or left idling, parking and departing may also intensify noise levels causing more annoyance to residents living nearby.

A Noise Assessment Report has been submitted in support of the application. The assessment has been carried out in respect of a proposed external plant facility to be installed on the site within a fenced compound towards the east side of the food store building. The report concludes that the noise levels will not be above the existing background levels and as such, there will be no adverse impact on existing residential properties, which in this case are the properties of 143-151 Retford Road.

The Environmental Protection Service (EPS) has reviewed the report and confirmed that it is satisfactory and therefore have no concerns with regards to the proposed plant facility. A condition will be imposed to ensure noise levels are maintained at an acceptable level as described in the noise assessment report together with a further condition restricting any amplified sound played within the building above background level.

The proposed food store will open between the hours of 0800 and 2200, Sundays to Saturdays and Public Holidays. These are considered to be reasonable opening hours and typical of supermarkets. The building itself will screen much of the site from the nearest residential properties and with enhanced landscaping to the rear of these properties and to the side of no. 143 Retford Road, it will provide a further barrier, thus reducing any potential noise as a result of the associated activities of the supermarket.

The EPS investigates numerous complaints of noise where nearby residents are subjected to long periods of delivery activities, in particular during the summer months. Such noise includes breakout of amplified sound from vehicles, opening/closing of vehicle doors/shutters, tail lift operation, unloading/loading of goods inside the trailer, goods being moved inside the building etc. With this in mind, the EPS has recommended that a standalone Delivery Management Plan (DMP) be prepared, which sets out the finer details of deliveries and associated activities, including permitted timings, procedures, controls and noise mitigation designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable. An appropriate condition will be imposed to secure full details.

The service bay for the unit is located on the east side of the building, where lorries will reverse into the service bay and goods will be unloaded. The nearest residential properties are those fronting onto Retford Road, which have rear gardens facing onto

the rear of the building. The building itself will screen the delivery area from these properties and so any noise generated by the deliveries will not be significant.

Other neighbouring properties, which are to the west on the opposite side of Rotherham Road are sufficiently distanced away to not be significantly affected by any noise generated by the deliveries.

In light of the above, commercial deliveries to and collections from the building will only be carried out between the hours of 0800 and 2200, Mondays to Saturdays and between 1000 and 1600 hours on Sundays and Public Holidays. This will be conditioned. An additional condition will be imposed to restrict the hours when sorting/removing waste materials/recycling etc.

The construction works will take place near to existing residential properties, and as such there is a real potential for disamenity, as a result of noise, vibration, dust, and light from site security. The development phase would best be addressed by way of an approved Construction Environmental Management Plan (CEMP), which would cover all phases of demolition, site clearance, groundworks and above ground level construction. A CEMP has been submitted in support of the application and reviewed by the EPS who has confirmed that it is not satisfactory and therefore a condition will be imposed requiring the submission of a revised CEMP.

Other Residential Amenity Issues

Currently, there are some buildings which appear to be in use, positioned near to the southern edge of the site. There are vehicular movements taking place within the site, some of which are likely to occur near to this boundary which is adjacent to rear gardens of Retford Road properties. These buildings will be demolished and soft landscaping will be provided along this boundary. Whilst full details of the proposed landscaping have not yet been approved, it will be expected for substantial planting along this boundary which will help screen the site and improve the outlook from the nearest affected properties. Appropriate boundary treatment will ensure that security and privacy levels are maintained.

A pedestrian access including a ramp will be provided on the Retford Road frontage, which will be set away further up along the frontage from the nearest property, no. 143 Retford Road. A stone boundary wall extends along the front boundary and turns at a 90 degrees angle, continuing along the side boundary with no. 143. The side boundary wall is a retaining wall and does not offer any screening to the application site. No. 143 is set down below the application site by approximately 0.5 to 1 metre and to the rear is an enclosed garden which is screened by fencing and outbuildings. The introduction of substantial planting adjacent to this property will create a suitable robust barrier and degree of separation such that the occupants of the property will not be adversely affected by any noise or activity associated with the use of the pedestrian route and ramp.

The proposed development is considered acceptable subject to the imposition of appropriate conditions which will safeguard and in some case improve the amenities of local residents. On this basis, it is considered that the proposed development will not adversely affect existing residents and as such, the proposal will accord with UDP Policy IB9 and the NPPF.

Drainage

Core Strategy Policy CS67 requires developments to significantly reduce surface water run-off from the site. This is consistent with paragraphs 167 and 169 of the NPPF, in that development is steered towards areas which are less vulnerable to flooding and in

the case of major developments sustainable drainage systems should be incorporated unless there is clear evidence that it would be inappropriate; take account of advice from the Lead Local Flood Authority; proposed drainage systems should have appropriate minimum operational standards and maintenance arrangements; and where possible, provide multifunctional benefits.

A Flooding & Drainage Assessment report has been submitted and reviewed by Yorkshire Water and the Lead Local Flood Authority (LLFA).

Yorkshire Water has confirmed no objection to the proposed drainage arrangements as set out in the submitted report, in that foul water will discharge to the public combined sewer network; sub-soil conditions do not support the use of soakaways and the site is remote from a watercourse; and surface water will discharge to the public surface water sewer via storage with restricted discharge rate of 10 litres/second. Yorkshire Water has also advised that surface water run-off from the communal car park (which is more than 50 car parking spaces) and hardstanding must pass through an oil, petrol and grit interceptor before any discharge to the public sewer network with further advice relating to roof water.

The LLFA has also confirmed that the drainage arrangements are satisfactory with regards to flood risk and surface water management, including the discharge rate with a 30% reduction. The scheme will incorporate permeable paving which the LLFA expect to see this delivered to provide robust surface water treatment. The details of levels of the permeable surfacing and their contributing areas could present an opportunity to provide considerable attenuation with a lined sub-base. Conditions will be imposed to secure full details of the design of the proposed drainage arrangements including the surface water discharge rate and requirement to provide a petrol/oil interceptor.

Ecology

UDP Policy GE11 requires that the natural environment is protected and enhanced. The design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

Paragraph 174 of the NPPF states that development should minimise impacts on and provide net gains for biodiversity. The local policy requirement to protect and enhance the nature environment strongly reflects the relevant policy in the National Framework and so can be offered substantial weight.

The key principle of the NPPF is to conserve and enhance the natural environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

A Preliminary Ecological Appraisal (PEA) and Preliminary Bat Roost Assessment (PBRA) has been submitted in support of the application.

This survey work carried out concludes that there are no protected species or habitats on the site and buildings are assessed as having negligible or low potential for bats.

The development should deliver a range of biodiversity enhancements in line with the aims of the NPPF with plans to show a 'net gain' in biodiversity. A number of measures have been put forward in the PEA and by the Council's Landscape team, which includes:

- Tree, shrub and hedgerow planting – to comprise a diverse selection of locally appropriate native species and climate-change resilient species. Retention of good quality tree specimens as much as is practicable.
- Green or brown roof. This project would present a good opportunity to include a green/brown roof.
- Bat boxes – 3x to be incorporated into the fabric of the building. A range of discreet high quality products are widely available.
- Bird boxes – 3x to be incorporated throughout the site, sited either on the main building or within the trees.
- Lighting – a sensitive lighting scheme that avoids excessive upward/outward light-spill and avoids illuminating boundary trees and shrubs.
- Felled trees to be utilised on site as deadwood 'habitat piles' within the landscaping scheme.

These measures will be set out either within a Landscape Ecological Management Plan or a Biodiversity Enhancement Management Plan (BEMP), details of which will be secured by condition.

There are trees and scrub on the site, which provide a habitat for birds. An informative will be attached to the decision notice reminding the applicant of the need to ensure that no nest in use or being built by any wild birds are protected under the Wildlife and Countryside Act 1981.

Contaminated Land

A Phase 1 Environmental Assessment report has been submitted in support of the application. The Environmental Protection Service (EPS) has reviewed the documentation and confirmed that it is satisfactory. In order to ensure that the site is fully investigated and remediated where necessary, a full suite of land quality conditions will be imposed.

Coal Mining Issues

The site falls partly within a defined Development High Risk Area and as such, a Coal Mining Risk Assessment has been submitted in support of the application. The Coal Authority has reviewed the report and concurs with the recommendations put forward within the report, to carry out intrusive ground investigations. Two conditions will be imposed to ensure the investigations and appropriate remediation works are carried out.

Community Infrastructure Levy (CIL)

The scheme will not be liable for a contribution under the Community Infrastructure Levy, which was introduced in July 2015, as it falls below the threshold of 3,000m² for retail developments as set out in the CIL Charging Schedule.

RESPONSE TO REPRESENTATIONS

It is considered that the issues raised in the representations have been covered in detail in the report.

SUMMARY AND RECOMMENDATION

The proposal seeks the redevelopment of an under-utilised site, part of which is of very poor visual quality with a number of dilapidated buildings. The principle of redevelopment is acceptable. The key issues in relation to this proposal are the location of the store outside an identified shopping area and any adverse impact that this may

have on existing shopping centres, together with the highways impact of the proposal. The assessment of these specific issues detailed in the above report is that the impact on local centres is at an acceptable level and that the highways impact of the proposal will be mitigated by the localised improvements proposed, including the signalisation of the Rotherham Road / Retford Road junction which will benefit all road users and improve the overall safety of the junction.

Other matters such as design, amenity, landscaping, biodiversity, land quality and drainage have been adequately addressed.

The report includes, where relevant, an assessment of local policies against the policies in the NPPF. It is considered that the local and national policies are well aligned and so the tilted balance is not in play. It is concluded that the scheme complies with the relevant local and national planning policies when taken as a whole and as such the application is recommended for approval subject to the listed conditions.

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Case Number	21/02206/FUL (Formerly PP-09760284)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of 7-storey office building (Use Class E) with ground floor commercial unit (flexible retail and/or other Use Class E), with associated cycle parking (Amended Scheme)
Location	39-43 Charles Street and 186-194 Norfolk Street Sheffield S1 2HU
Date Received	11/05/2021
Team	City Centre and East
Applicant/Agent	ID Planning
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

2937-CDA-00-SL-DR-A-0100 Rev D - Site Location Plan
2937-CDA-00-SL-DR-A-0500 Rev D - Proposed Site Plan
2937-CDA-00-B-DR-A-0600 Rev D - Basement Level
2937-CDA-00-GF-DR-A-0601 Rev D - Ground Floor
2937-CDA-00-01-DR-A-0602 Rev D - First Floor
2937-CDA-00-02-DR-A-0603 Rev D - Second Floor
2937-CDA-00-03-DR-A-0604 Rev D - Third Floor
2937-CDA-00-04-DR-A-0605 Rev D - Fourth Floor
2937-CDA-00-05-DR-A-0606 Rev D - Fifth Floor
2937-CDA-00-06-DR-A-0607 Rev D - Sixth Floor
2937-CDA-00-07-DR-A-0608 Rev D - Roof Plan
2937-CDA-00-YY-DR-A-0700 Rev D - East Elevation
2937-CDA-00-YY-DR-A-0701 Rev D - South Elevation

2937-CDA-00-YY-DR-A-0702 Rev D - West Elevation
2937-CDA-00-YY-DR-A-0703 Rev D - North Elevation
2937-CDA-00-YY-DR-A-0704 Rev D - West Context Elevation
2937-CDA-00-YY-DR-A-0705 Rev D - North Context Elevation
2937-CDA-00-YY-DR-A-0706 Rev D - Pinstone St Context Elevation
2937-CDA-00-YY-DR-A-0707 Rev D - Norfolk St Context Elevation
2937-CDA-00-YY-DR-A-0708 Rev D - Charles St Context Elevation
2937-CDA-00-YY-DR-A-0800 Rev D - Sections
2937-CDA-00-YY-DR-A-0802 Rev D - Sections
2937-CDA-00-YY-DR-A-0804 Rev D - Sections
2937-CDA-00-YY-DR-A-0805 Rev D - Non-Vision Glazing
2937-CDA-00-YY-DR-A-0709 Rev D - Neighbour Distances
2937-CDA-00-03-DR-A-0612 Rev D - Neighbour Distances.

Reason: In order to define the permission.

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

3. No demolition hereby authorised shall be carried out before a contract for carrying out the construction of the new building hereby approved has been made. Evidence that such a contract has been made shall be submitted to and approved in writing by the Local Planning Authority before demolition commences.

Reason: To ensure that premature demolition does not take place and result in an undeveloped site, some time before rebuilding, which would be detrimental to the visual character of the Conservation Area.

4. 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.

5. 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 current Land Contamination Risk Management guidance (LCRM);

Environment Agency 2020).

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

6. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

7. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

8. Prior to construction works commencing:

- a) a scheme of intrusive site investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interests of the safety and stability of the development in accordance with paragraph 183 of the National Planning Policy Framework.

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

a) been carried out; or

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

Highways Improvements:

i) Reconstruction of the footway along Charles Street with new kerbs, pedestrian drop-crossing and tactile paving where necessary (and possibly bollards along the Charles Street front of footway) all in accordance with the Primary Palette of the Urban Design Compendium.

ii) With respect to Charles Street any accommodation works to street lighting, highway drainage, traffic signs, road markings, statutory undertaker's equipment and general street furniture because of the development proposal.

Reason: In the interests of pedestrian and highway safety and to ensure the development contributes positively to the character of the conservation area and is consistent with the higher quality public realm being delivered in the primary zone of the city centre.

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

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

11. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

12. No development shall commence until details of the site accommodation

including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

13. 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.

14. No construction of the buildings, construction of additional basement areas or demolition of existing basement walls shall take place until Approval in Principle (AIP) for the basement's walls and floor, which will be permanently supporting the adjacent public highway, has been submitted to and approved in writing by the Local Planning Authority. As a minimum, the AIP submission shall cover:

- Proof of structural integrity of the basement's walls and floor, with structural calculations and drawings, demonstrating that the adjacent public highway will be adequately supported.
- Confirmation and agreement of the proposed ongoing structural inspection strategy, including the protocol for submitting inspection reports to the Local Planning Authority.
- Servicing arrangements for inspection personnel needing to gain access to the structure.
- The method of temporary support to the public highway during demolition/construction of the basement, including proof of structural integrity, calculations and drawings.

Construction of the basement shall not commence until the AIP has been approved by the Local Planning Authority.

Reason: In the interests of highway safety

15. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the

Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

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

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

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

16. Details of all proposed external materials including fixings 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 construction of that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

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

- Plant screens
- Ventilation grills and extracts
- Glazing system
- Balustrades
- External doors

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

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

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

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

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

- a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
 - b) Acoustic emissions data for the system.
 - c) Details of any filters or other odour abatement equipment.
 - d) Details of the system's required cleaning and maintenance schedule.
 - e) (Optional: Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building).
- The approved equipment shall then be installed, operated, retained and maintained in accordance with the approved details.

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

20. The cycle parking, changing facilities, lockers and showers shall be provided before the building is brought into use and thereafter retained.

Notwithstanding the details shown on the approved ground floor plan the access to the cycle parking shall be revised to provide a more direct route to the store and the doors serving the cycle store shall have a 1.2m clear opening and open automatically. Details of the type of cycle stands shall be submitted to and approved by the Local Planning Authority before the building is brought into use and therefore the approved details shall be implemented.

Reason: In the interests of encouraging sustainable travel to and from the site.

21. The building shall be designed and constructed to achieve the renewable or low carbon energy levels and Co2 reduction as set out in the agent's email dated 9.12.2021 unless an alternative scheme is approved by the Local Planning Authority. The 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 in accordance with Sheffield Development Framework Core Strategy Policy CS65 and in order to ensure a highly sustainable building is delivered as these benefits have been taken into account when considering the planning balance for this development.

22. The building shall be designed, constructed and operated in accordance with the LETI Net Zero Carbon Framework as set out in Paragraph 3.62 of the sustainability statement and to achieve a wired score-minimum gold, EPC score-minimum A certification, as set out in Paragraph 7.12.4 of the planning statement. Prior to the occupation of the building a report incorporating an audit of the performance of the building against the above targets including the measures to ensure delivery of these elements to be provided during the operational phase, shall be submitted to and approved by the Local Planning Authority. Thereafter the approved measures shall be maintained and implemented.

Reason: In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64 and in order to ensure a highly sustainable building is delivered as proposed, as these benefits have been taken into account when considering the planning balance for this development.

23. The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'Excellent' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'Excellent' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64 and in order to ensure a highly sustainable building is delivered as these benefits have been taken into account when considering the planning balance for this development.

24. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be

altered.

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

25. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of the safety and stability of the development in accordance with paragraph 183 of the National Planning Policy Framework.

26. Before the playing of any live music or amplified sound in the ground floor commercial units commences and before the office use commences, Validation Testing of the relevant sound insulation 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 relevant specified noise levels set out in Condition 27 for the office accommodation and Condition 32 for the ground floor commercial uses have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound insulation 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 the interests of the amenities of the future occupiers of the building.

27. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

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

a) Be based on the findings of approved noise survey (ref: DC3543-R3, dated: 20/04/2021, prepared by: Dragonfly Consulting).

b) Be capable of achieving the following noise level:
Noise Rating Curve NR40 (0700 to 2300 hours).

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

[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 63Hz to 4kHz)

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

29. Before any work on the green walls commences full details of the design, planting, growing medium, irrigation, and maintenance schedule shall be submitted to and approved by the Local Planning Authority. Thereafter the green walls shall be implemented and maintained in accordance with the approved details.

Reason: In the interests of the amenities of adjoining residential occupiers.

30. The green walls shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter the green walls shall be retained and they shall be cultivated and maintained and any plant failures shall be replaced.

Reason: In the interests of the visual amenities of adjoining residential occupiers.

31. Notwithstanding the details shown on the non-vision glazing elevations, the 3 western-most windows on the fourth and fifth floors of the north elevation and the 2 northern-most windows on the fourth and fifth floors of the west elevation shall be obscure glazed to a minimum level 4 obscurity.

Reason: In the interests of protecting the residents of Berona House and St Paul's Parade from excessive overlooking and loss of privacy.

32. 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.

33. No live music or amplified sound shall be played within the ground floor commercial use unless a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:
- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
 - b) Be capable of restricting noise breakout from the commercial use to the street to levels not exceeding the prevailing ambient noise level when measured:
 - (i) as a 15 minute LAeq, and;
 - (ii) at any one third octave band centre frequency as a 15 minute LZeq.
 - c) Be capable of restricting noise breakout and transmission from the ground floor commercial use and any associated plant or equipment, to all adjoining office accommodation to levels complying with the following:
 - (i) Office: Noise Rating Curve NR40 (0700 to 2300 hours);Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority. [Noise Rating Curves should be measured as a 15 minute LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

Other Compliance Conditions

34. The class E unit shall only be used as a cafe/restaurant between 7am and midnight on any day.

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

35. The non-vision glazing shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the window shall at any time be glazed with clear glass unless details are first submitted to and approved by the Local Planning Authority that demonstrate this will not allow views out to existing amenity space or habitable room windows of existing residential properties surrounding the courtyard.

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

36. No doors (except sub-station doors or emergency exit doors) are to open into the adjoining public realm or adopted highway.

Reason: In the interests of pedestrian safety.

37. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage.

38. The demolition and construction works shall be carried out in accordance with the measures set out in the Construction Environment Management Plan unless alternative arrangements are approved by the Local Planning Authority.

Reason: In the interests of the amenities of adjoining occupiers.

39. 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.

40. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried on only between the hours of 08:00 to 23:00 Mondays to Saturdays and between the hours of 09:00 to 21:00 on Sundays and Public Holidays.

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

41. Commercial deliveries to and collections from the building shall be carried out only between the hours of 08:00 and 23:00 hours Monday to Saturday and not on Sundays and Public Holidays.

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

42. The Travel Plan shall be implemented in accordance with the details and timescales contained within it for the lifetime of the development.

Reason: In the interests of encouraging sustainable travel to the site.

43. The submitted/approved Servicing Management Plan (SMP) shall be operated for the lifetime of the development unless alternative agreement are approved by the Local Planning Authority.

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

Attention is Drawn to the Following Directives:

1. 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

2. As the Charles Street frontage projects into the public highway, you are required to contact (highways@sheffield.gov.uk; 0114 273 6677) in order to secure an over-sailing licence.
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. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

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

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

5. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
6. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

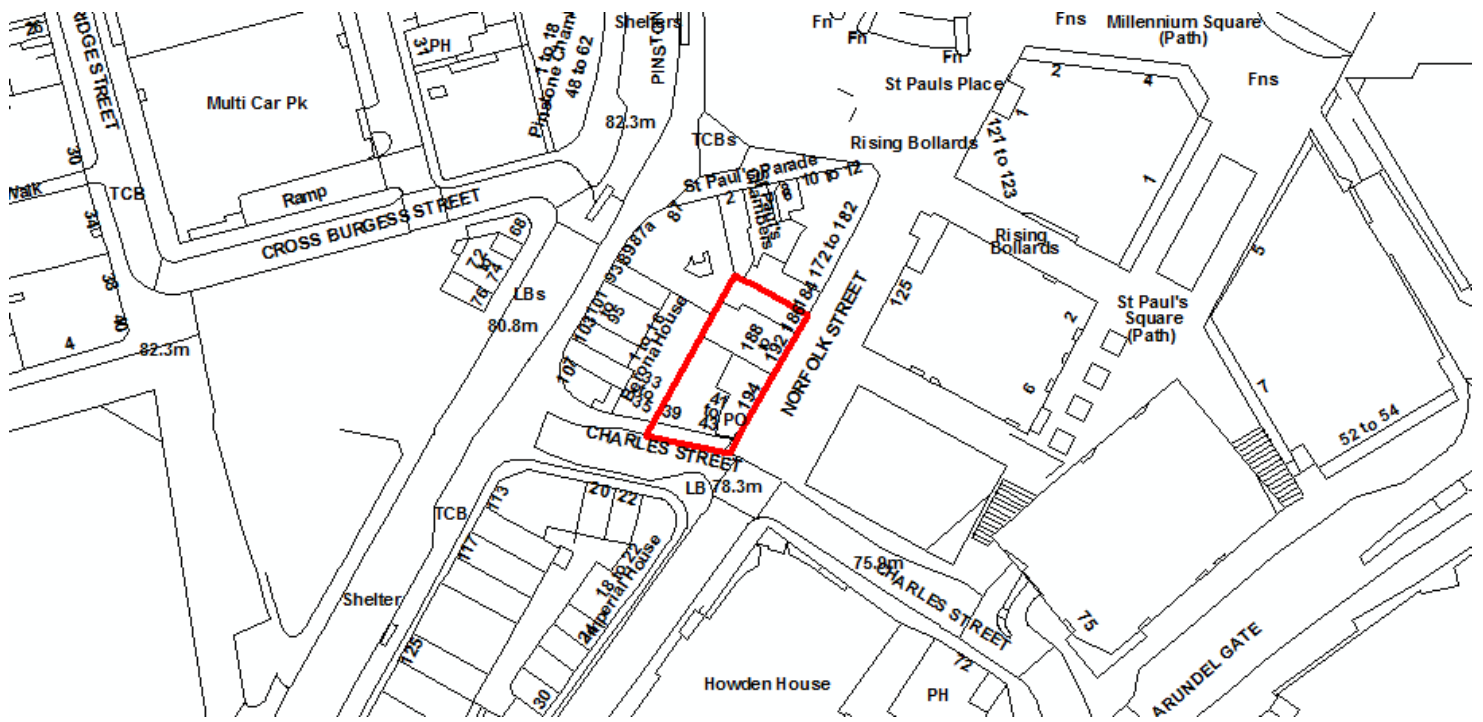
To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

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

7. 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.
8. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
9. For larger commercial kitchens or cooking types where odour and noise risk is higher, reference should be made to the updated guidance document; 'Control of odour and noise from commercial kitchen exhaust systems' (EMAQ; 05/09/2018). Appendix 2 of the document provides guidance on the information required to support a planning application for a commercial kitchen.

Site Location



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LOCATION AND PROPOSAL

The application site is in the heart of the City Centre and bounded by Norfolk Street to the east and Charles Street to the south. It forms part of a perimeter block that also faces on to St Paul's Parade and the Peace Gardens to the north and Pinstone Street to the west, with a central courtyard between. It is located within the City Centre Conservation Area.

The site is positioned at the Charles Street and Norfolk Street corner of the block and is occupied by 3-storey buildings formerly used for retail and office purposes and until recently used as a yoga studio. The existing buildings probably date from the 1950/60s and are of no architectural merit. The rest of the block comprises of heritage buildings including the grade II listed Prudential House to the north.

On the opposite side of Norfolk St there is the St Paul's Place development consisting of 3 contemporary office blocks from 8 to 11 storeys in height. Opposite the site on Charles Street there is 3-storey retail and office development dating from the 1950/60s and the 6/7 storey Howden House office block.

The application is seeking permission to demolish the existing buildings and replace them with a 7 storey building comprising of basement/ground floor retail uses (approximately 400m²) and grade A offices above (approximately 3176m²). The building will cover the whole footprint of the site and is to be a net zero carbon building with no car parking.

The retail unit is located on the corner of Charles Street and Norfolk Street with entrances on both frontages. The offices will be accessed from Norfolk Street with a lift core, bike, and bin stores on the ground floor.

The application originally proposed a 10-storey building but, following negotiations, has been reduced in scale to 7 storeys. It is faced in anodised aluminium cladding and curtain wall glazing on the upper floors and natural red sandstone columns, framing double height glazed openings on the ground floor. The footprint follows the existing buildings except on the Charles Street/Norfolk Street corner where a glazed cantilevered curved corner is proposed for the upper floors. The rear elevation is more solid with glazing commencing at fifth floor level and a full height green wall on to the courtyard facing Berona House. The north elevation facing St Paul's Parade and the Peace Gardens adopts the same design language of anodised frame and curtain wall glazing from the fifth floor upwards with red brickwork and a living wall below.

SUMMARY OF REPRESENTATIONS

Historic England (HE)

HE has commented on the original proposals and the amended scheme.

They consider the buildings that occupy the site are of no particular historic or architectural interest but note that their scale and composition fit well with this part of the urban block. They have no objection to the replacement of the buildings.

Their comments on the original proposals are that the proposed tower on the application site would be at odds with the overall massing of the block and detrimental to the prominence of the listed building and adjoining non-designated heritage assets. They say that the development would introduce a strong imbalance in the urban form and streetscape and would challenge Blocks B and C as gateways to the Heart of the City II (HoCII) area. Ideally the height should be no greater than the listed former Prudential Assurance Building in the same block, so its prominence is not challenged and certainly no higher than the seven storeys of Blocks B and C.

They considered the original design to be out of context with this location and the historic surroundings and that it bore no relation to its historic neighbours in terms of the established height and cornices nor the proportion of windows. They felt that the two upper floors being taller than average created an awkward relationship with its neighbours and that the cantilever elements would appear at odds with the simplicity of St Pauls Place. The squarish proportions of the metal frame encasing two floors would sit uncomfortably with its neighbours both in views from the Peace Gardens and Charles Street.

They concluded that the previous design by virtue of its height, massing and appearance, failed to preserve or enhance the character of the conservation area. As there was no justification for the proposed height and approach, and less harmful alternatives are possible, they could not support the proposal in that form. They advised that these concerns needed to be addressed for the proposal to meet the requirements of paragraphs 192 and 200 of the NPPF.

Following revisions to the scale and design of the scheme HE amended their comments. They remain supportive of a sustainable redevelopment of the plot and the reduction in the scale of the scheme. They note that the staggered massing is more successful and the glazed bay abutting St Paul's Chambers is an improvement. However, they consider the building fails to complement this asset.

They also consider that the revised design still fails to respect its immediate context and its scale is still more than the existing building and historic neighbours.

They consider the building would be an over prominent element within the block and would dominate a number of important local views. They argue that the design fails to compliment the area's rich heritage and does not provide a contextually sympathetic response to the local character and history. They say that the curved corner jars with the more rectangular proportions of the design and results in a disjointed appearance with an awkwardly placed pilaster to the centre of this prominent corner eroding the benefits of the active shopfront. They consider the two-storey shopfront is visually disconnected from the upper portion of the development and feel this is accentuated by the cantilever. They consider the western most portion of the south elevation creates the most jarring opposition to the red brick façade of Berona House.

They consider the success of the scheme will depend largely on the quality of finishes and workmanship and this should be controlled through planning

conditions.

On balance, they are of the opinion that the scheme would cause some level of harm to the conservation area owing to the scale, mass and appearance of the development. They conclude that the harm would be less than substantial, but nonetheless material.

They say that if the Council is minded to approve the application in its current form, it should be satisfied that the public benefits of the proposal outweigh the harm to the conservation area. It should make sure that any harm is minimised and mitigated as far as possible.

Conservation Advisory Group

The Conservation Advisory Group considered the original proposal wholly unacceptable in its height and massing and would do demonstrable harm to the conservation area. It does not establish a proper relationship with the other buildings in the block and would be detrimental to the view from the Peace Gardens. There was no economic viability argument offered for the height, and the argument that it formed a transition with the higher block on the east side of Union Street does not justify the harmful impact on the block of which it would be part.

The Group considered the revised proposals at its meeting on 15 December and while the Group recognised the applicant had reduced the height of the building from the original proposal, members did not consider that in its revised form the proposal preserves or enhances the Conservation Area. The block bounded by Charles Street, Norfolk Street and the Peace Gardens is part of a nineteenth century improvement whose culminating feature is the Town Hall, with other buildings subordinate to it. A 7-storey block would adversely affect that relationship. Members also did not regard the metal cladding as appropriate in this location.

Hallamshire Historic Buildings (HHB)

HHB consider the design and particularly the height is unsympathetic to the character of the area and will harm the character and appearance of the City Centre Conservation Area and the setting of nearby listed buildings.

They draw attention to the advice in the Urban Design Compendium (UDC) regarding street enclosure ratios and say that if the guidance were followed for Norfolk Street the building would need to be reduced to 6 storeys or less. It is pointed out that the UDC says that within the Conservation Area new buildings should reflect the height of adjoining buildings which is mostly 2-5 storeys. Core Strategy policy CS74 requires development to respect the townscape character and its associated scale. They consider the scale in this case is set by the block containing the development site.

They object to the design saying the floors levels and window proportions do not relate to those of the adjacent historic buildings and do not respond to downward stepping character of Sheffield streets.

They argue the canted window projections jar with the adjacent buildings, disrupt the building line and give unwanted emphasis to an unimportant corner. By not responding to local character, they argue that the development is contrary to the development plan, NPPF and National Design Guide policies.

They argue that there is no justification for treating part of the block in a way which is connected with the undesignated office buildings on the opposite side of the street.

The disproportionate scale and lack of sympathy with the historic built form, style, materials or architectural detail means that the building will neither preserve nor enhance the character and appearance of the area, and so is contrary to S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

They argue the Grade I listed Town Hall is intended to be the dominant feature in the townscape and the scale and proportion of the existing buildings preserves its historic setting. The Grade II listed Prudential building is subservient to the Town Hall and the scale of the other buildings in this block contributes to the significance of this building. The construction of a 7-storey building will harm the setting of both listed buildings meaning that the development will not preserve the setting and is contrary to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The NPPF requires any harm to designated heritage assets to be clearly and convincingly justified by public benefit and the benefit must outweigh the harm. Hallamshire Historic Buildings consider the public benefit of office accommodation does not justify the harm that would result. Similar benefits could be achieved from a smaller scale and more sympathetic design.

Policy BE11 requires public spaces to be protected and enhanced where they make an important contribution to the character and appearance of the area. The Peace Gardens is listed under this policy. The north elevation is visible from the Peace Gardens. The stepping back creates a chaotic effect, the large areas of glazing are intrusive, and the geometry draws attention to a building which will detract from a view currently characterised by aesthetically pleasing historic buildings whose scale complements the gardens.

Other comments

125 representations have been received in response to the initial consultation exercise. All are objections except one which supports the innovative design which will, in the opinion of the writer, allow Sheffield to compete with the interesting modern architecture found in other cities. 18 of the objections are from residents within the same street block as the development.

The objections include one from Paul Blomfield MP who supports the residents impacted by the loss of light, overbearing nature of the development and who will be impacted during construction. He also supports the objections from the wider public regarding the impact on businesses and the environment.

The City Ward Councillors, Martin Phipps, Douglas Johnson and Ruth Mersereau objected to the impact on the loss of light on people working from home and the effect on their well-being. They consider the scale of the building is out of place with other buildings and will potentially create a wind tunnel effect on adjoining streets. They are opposed to the loss of privacy, particularly for residents of Berona House and consider that residents needs should be given weight. If permission is granted the impact of construction on residents must be considered.

Many of the objections are concerned with the impact of the development on the amenity of residents who face on to the courtyard space between the proposed development and the surrounding blocks, supported by the Residents Association for Sheffield City Centre (ChangingSheff). The objections relate to severe loss of light up to 90%, loss of sunlight/overshadowing to both dwellings and amenity space (which would be in shadow most of the day), leading to loss of well-being and the need for increased use of artificial light. There are objections due to the loss of skyline views and it is argued that a right to light assessment should be undertaken.

There is a feeling that the developer has ignored the Building Research Establishment Guidelines. Some residents have objected on the grounds that the development will appear overbearing for adjacent residents and because there will be a loss of privacy due overlooking from office windows. Concerns are raised about fumes from Browns being trapped in the courtyard due to its greater enclosure. It is also considered that there will be significant noise, dust and disruption for residents surround the courtyard during demolition and construction. Concerns have also been raised about light pollution from office windows at night and noise from air conditioning units. The consequence of these impacts on residential amenity would be to deter people from considering living in the City Centre. Suggestions to reduce the impact include reducing the scale of the building and stepping back the footprint on the upper floors as per the existing building.

Whilst some comments supported the principle of the redevelopment of the site another main theme of the objections is that the height and design of the building is out of keeping with the context/adjoining heritage buildings and with the conservation area. It is felt by some that the development will impact negatively on the setting of listed buildings. Many consider the scheme is a poor modern design that needs to blend in better with the heritage buildings utilising traditional materials. It is stated that the building will have a harmful impact on the skyline and that the development should be reduced in scale in line with the Prudential building. It is also argued that the development will create enclosed alleyway streets, detrimental to public safety.

The majority of the objections are from people connected with the Unity Yoga studio that occupied one of the application buildings at the time when the application was submitted. These objections focus on the negative impact on the users of the studio and the City Centre due to the loss of an important community resource which adds to variety in the City Centre and aids well-being. Some of the comments focus on the need to provide space for independent businesses in the City Centre and that knocking down buildings rather than refurbishing them is at

odds with climate change objectives. Some suggest that the existing buildings are outstanding examples of buildings of the period with many original features. Concerns are raised about loss of employment in businesses that occupy the site and that these businesses were not informed by the applicant about the plans for redevelopment.

Another widely held view among objectors is that there is no need for additional office/retail space, that there is a surplus of such space particularly given the increased working from home. That the developer is unlikely to acquire occupiers and the space will end up vacant.

Other less frequent comments include:

- Support for the aspiration to create a zero energy and carbon neutral development but some considered that this is just green washing.
- Fire escapes need to be protected.
- The development will increase the pressure on parking in the area.

Everyone consulted on the original scheme or who made representations was reconsulted on the amended scheme. This was not strictly necessary as the amended scheme is significantly reduced and has a lesser impact than the original. 21 objections have been submitted in response to the amended scheme including from Hallamshire Historic Buildings and the Residents Association for the City Centre. Two neighbours who objected twice are included with the above number. Most of the representations are from neighbours of the existing flats surrounding the courtyard.

For the local residents who have responded there is a general consensus that there has been no significant change or that the scheme does not go far enough in terms of reducing the impact of loss of light, privacy and impact of overshadowing and overbearing scale on the communal courtyard that serves St Paul's Chambers.

The scheme will still be oppressive and have serious impact on the wellbeing of residents and will be contrary to human rights. It is commented that the development is in breach of the BRE regulations, and these should not be dismissed just because this is a city centre location. Residents draw attention to a 90% loss of light and the building being only 10m from the rear elevation of St Paul's Chambers. One resident observed that the courtyard amenity space is used regularly in Spring and Summer for eating meals, having drinks and socialising.

Members are requested to visit the site before determining the application. It is argued that if permission is granted corporate needs will have been put before existing residents who have chosen to live in the City Centre. Affected residents are also concerned about noise and disturbance during the construction period.

There are concerns that the living wall may not be successful, about who will maintain it and that it may attract vermin.

Previous comments are reiterated that the scale and design of amended scheme is still out of character with the surroundings, conservation area and listed buildings.

Comments include, that the design is too brutal and industrial and the join between the building and St Paul's Chambers is poor.

Comments were reiterated about the lack of need for offices, that the retail units will suffer from low footfall and the existing building should be refurbished, that the development will devalue existing flats.

Some residents felt they should be given more time to respond to the amended scheme.

PLANNING ASSESSMENT

Policy

The site lies within the Retail Core of the Central Shopping Area. Policy S2 says that on ground floor frontages new retail and complementary uses which add to the vitality and viability of the Central Shopping Area will be encouraged. Outside the Fargate Area this means that shops are preferred and offices used by the public, food and drink outlets and amusement centres are acceptable with all other uses being unacceptable. In the Central Shopping Area other than on the ground floor frontages offices are acceptable along with a range of other uses (Policy S3).

Office uses now fall within Class E which includes a range of uses such as shops, cafes, restaurants, offices used by the public, professional services and other uses such as indoor sport and recreation, medical services, nursery, research and development and light industry. The E class of uses are considered to meet the requirement in Policy S2 as they would add to the vitality and viability of the City Centre.

Offices are acceptable on the upper floors and therefore the proposal is supported by Policy S3

Core Strategy Policy CS17a says the distinctive and fundamental roles of different 'quarters' of the City Centre will be consolidated and strengthened. The site lies within the Heart of City where shopping, office uses, civic uses, arts and cultural uses are appropriate. Policy CS3 promotes the City Centre as a location for office development and Policy CS4 identifies the Heart of the City for new large and high-density office development. The proposal is therefore supported by these Core Strategy policies.

The National Planning Policy Framework (NPPF) paragraph 81 says that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. As the development will support economic growth by delivering high quality business space the principle is supported by the NPPF.

Paragraph 86 says that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach

to their growth, management, and adaptation. It goes on to say that town centres should meet anticipated needs for retail, leisure, office, and other main town centre uses. The proposal will support the city centre role as a major centre for offices.

Demand for offices

Some of the representations state that there is no demand for additional offices particularly given the trend of increased working from home due to the Covid pandemic.

The applicant has submitted a Supply and Demand report from commercial property consultants. This makes the case that the site is very well located in terms of accessibility, prominence, and surrounding amenities.

Office take-up in 2020 was 28% less than the long-term average, although the total take-up in 2021 quarter 1 was in line with long term average take up figures. The average size of transaction reduced in 2020/21, one theory being that companies require smaller better-quality offices as companies adapt to home working. It is noted that larger companies have yet to decide on their future office requirements and that this is expected to convert to office take-up in early 2022.

The report notes that there is a relatively low supply of office accommodation across all grades and a specific lack of Grade A space in the city centre. It says that in Sheffield occupiers have little choice which prevents relocation and stifles growth. It is noted that grade A supply will increase next year due to schemes within the Digital Campus and HoCII due to be completed. However, it is expected that some of this space will be let before practical completion. The applicant has highlighted a report that went to the Council's Cabinet on 17.3.21 in relation to the West Bar Square development affirming a shortage of Grade A office space.

The report argues that there is now an appetite to return to the workplace. It says that some companies will increase office space and others cut back and the companies that rationalise space will look to take smaller spaces of better quality and that this will be important in attracting and retaining talent particularly younger people.

The report argues that the schemes coming forward are targeting larger floorplate occupiers with very few catering for smaller requirements.

The report describes the design considerations that are likely to be important for future offices for example, maximising external spaces, provision of active travel facilities, high energy performance, health and wellbeing and connectivity.

It argues that the scheme will meet occupiers future demands in terms of size, quality and credentials (environmental and wellbeing) and its timing will ensure the city benefits from a regular supply of future office development, to meet ongoing demand.

Heritage Policy

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In addition, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Paragraph 194 says that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 197 says 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 vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 200 says 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.

Paragraph 202 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 206 says local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.

UDP Policy BE15 'Areas and Buildings of Special Architectural or Historic Interest' says that buildings and areas of special architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced. Development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted

UDP Policy BE16 'Development in Conservation Areas' says permission will only be given for proposals which would preserve or enhance the character or appearance of the Conservation Area. These principles will also be material considerations in considering proposals which would affect the setting of a Conservation Area or significant views into, or out of, the Area. Redevelopment of sites which detract from a Conservation Area will be encouraged where it would enhance the character or appearance of the Area.

UDP Policy BE19 'Development Affecting Listed Buildings' says that proposals for

development within the curtilage of a building or affecting its setting, will be expected to preserve the character and appearance of the building and its setting.

Significance of Heritage Assets Affected

The buildings to be demolished have no particular heritage significance. The heritage assets that have the potential to be affected by the new development are the Town Hall, Prudential Building, other character buildings in the same block and the City Centre Conservation Area. There is also the potential for archaeological interest to be affected by the building works.

The setting of the Grade I listed Town Hall is encompassed by the buildings along Surrey Street, Pinstone Street and the buildings across the Peace Gardens, including the Prudential Assurance Building, St Paul's Chambers which form part of the same block as the application site and the more contemporary buildings on the south east side of Norfolk Street. The Peace Gardens open space and the broadly contemporary buildings contribute positively to the Town Hall's heritage interest by allowing its civic importance, and architectural and historic interest to be appreciated in the context of similar period buildings.

The Grade II Listed Prudential Building is a late 19th century ornate red sandstone building with an interesting roof scape. Its setting is defined by the adjacent broadly contemporary buildings. Its increased scale gives it prominence within the block and at the corner of the Peace Gardens and the Pinstone Street. The similar period buildings on the opposite side of Pinstone Street and within the same block contribute positively to its setting allowing its historic and architectural interest to be appreciated within the 19th century townscape.

The non-designated heritage assets of St Paul's Chambers and Berona House derive their significance from their architectural interest and their visual cohesion as part of 19th century townscape contributing positively to the setting of the listed buildings and the character of the conservation area.

The City Centre Conservation Area includes a large part of the grand Victorian architecture which exists in the centre, defining the growth Sheffield experienced through the second half of the 19th century. The site is at the southern end of the conservation area where it abuts the larger scale contemporary development surrounding St Paul's Place. The whole of the block of which the application site is part, except for the application site, is identified as either unlisted buildings that contribute to the character of the conservation area or listed buildings. The Conservation Area Statement of Special Interest says that the visual cohesion of the townscape of the Conservation Area depends on the combination of characteristics, particularly the density of the streets and buildings, the fairly consistent height of buildings and the use of local sandstone or red brick building materials. It says that buildings are predominantly no more than four storeys to eaves lines and that this homogeneity of scale has allowed functionally important buildings to stand out as landmarks such as the towers of the Town Hall. It says that gables, towers, turrets, chimneys and balustraded parapets all add to the interest of the townscape.

The potential archaeological interest relates to former buildings from the early 19th century and from the early 20th century which may contribute to the understanding of the post-medieval and 19th century development of Sheffield at a local level.

Assessment of Heritage Impact

The buildings to be demolished are of no special heritage interest and therefore their loss will not detrimentally affect the significance of heritage assets.

The setting of the Town Hall is enhanced by the 19th century buildings on Pinstone Street and the by the Prudential Assurance Building plus non-designated heritage assets within the application block. The proposed development will closely adjoin the rear of these buildings. The revised scheme is significantly reduced in height so that it is a similar height to the chimneys of the Prudential Assurance building. Whilst the upper part of building will be evident in views from the Peace Gardens it will assimilate much more successfully with its surroundings. Given this and that the context of the Town Hall also incorporates the much taller buildings of St Paul's Place it is considered that the proposal will not have an adverse impact on the setting of the Town Hall.

The significance of the grade II listed Prudential Assurance Building is enhanced by its dominance at the corner of the Peace Gardens and the point where Pinstone Street bends south-west. This allows the architectural interest including the varied roof profile to be fully appreciated. The proposed development closely adjoins the rear of the listed building. The reduced height of the amended scheme means that it is now of a similar height to the chimneys of the listed building. Whilst there will be some interference with the view of the interesting roofscape because of the office building becoming a backcloth to the listed building in views from Pinstone Street to the north, the impact on the setting of the building will be minor negative.

The impact of the development on the non-designated heritage asset of St Paul's Parade from the Peace Gardens should be given lesser weight given that it is a non-designated heritage asset. This building complements Prudential House and creates a strong frontage of historic 19th century building defining the southern edge of the Peace Gardens open space. The proposed building will closely adjoin the rear of this building and will be seen over the top of it in views from the Peace Gardens. However, given the reduced scale and improved design of the amended scheme and the proximity of taller buildings on St Paul's Place it is considered that the proposal will not adversely affect the significance of this non-designated heritage asset from this viewpoint.

The proposed building abuts St Paul's Chambers and Berona House on the Norfolk Street and Charles Street frontages. These buildings are three to four storeys high, faced in traditional materials and St Paul's Chambers is characterised by rich detailing. The massing of these buildings is broken down by bays and stepped levels. These are the buildings which most closely define the context for the development. Whilst the modern taller development on the east side of Norfolk Street also provides context it is secondary to the attached 19th century buildings within the same block as the application site.

The existing buildings to be demolished do not enhance the setting of these non-designated heritage assets.

Whilst the scale of the amend scheme is taller than the attached buildings its design provides an acceptable transition in scale. The lower glazed link attached to St Paul's Chambers and the more solid framed elements of the façade help to create a visual stepping down in the scale towards the attached heritage buildings. The solid and lighter weight elements of the façade also break up the massing of the building so that it is more sympathetic to the rhythm of the buildings within the conservation area. It also references the traditional architecture of the heritage buildings in a contemporary way with the stone columns and large window openings at ground floor level and the vertical proportions of the framed openings. In this way it provides a successful transition between the traditional and contemporary architecture in the surrounding buildings.

The block which the site forms part of is (except for the application buildings) a visually cohesive block of heritage buildings which make an important positive contribution to the character of the conservation area. Whilst the buildings to be demolished do not make a positive contribution to the character of the conservation area their scale is sympathetic to the heritage buildings and they are mildly mannered. This does not mean that the new building needs to be of a traditional design and match the scale of the attached buildings. There is a case for marking the Norfolk Street and Charles Street corner with increased scale and the amended scheme does this whilst not creating a too severe difference in scale that it overwhelms the adjoining heritage buildings. The high-quality contemporary design that incorporates design references that respond to the character of the conservation area will in your officers' view largely preserve the character of the conservation area.

It is accepted that there is no evidence to suggest that the below ground archaeological interest will be so significant that it would preclude the redevelopment of this site as proposed. A condition will ensure that any archaeological interest is properly investigated as part the site redevelopment.

Heritage Impact Conclusion

The proposed development will not harm the setting and significance of the Town Hall although it will have a minor harmful impact on the setting of Prudential House and reduce the prominence of the non-designated assets of Berona House and St Paul's Chambers in the street scene, thereby having a minor harmful impact on the character of the conservation area. It will replace tired buildings of no special townscape of heritage merit with a higher quality building which will enhance the appearance of this site within the conservation area.

The impact on the setting of Prudential House and the character of the conservation area is considered to be at the lower end of less than substantial, such that national policy requires there to be a clear and convincing justification for the heritage harm and any harm needs to be weighed against the public benefits of the proposal (paragraphs 200 and 202 of the NPPF).

In this case the site is small, and it is likely that a smaller development will be unviable. The primary public benefits consist of the following:

- the provision of a highly efficient net zero carbon building with sustainability credentials in excess of the standards required by the Council's sustainable design policies.
- the provision of Grade A office space of which there is a low supply, which will support the local economy (albeit there is some uncertainty about the future demand for offices in the city centre in the light of the Covid pandemic).
- the provision of a high travel generating use in a highly sustainable location able to benefit from sustainable travel modes and linked trips which will help to reduce carbon emissions and support shopping and leisure uses in the City Centre.
- employment benefits during the construction phase and potentially from office employment.
- the high-quality design will also improve the appearance of the site.

These benefits are significant, and it is concluded that there is a clear and convincing justification for the less than substantial harm to the setting of Prudential House and conservation area and that the public benefits of the proposal outweigh the heritage harm. Therefore, it is concluded that the proposal is consistent with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and with the NPPF and Unitary Development Plan heritage policies.

Design Issues

Core Strategy Policy CS74 is concerned with design principles. It says that High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including:

- c. the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials;
- d. the distinctive heritage of the city, particularly the buildings and settlement forms associated with:
 - i. the metal trades (including workshops, mills and board schools)
 - ii. the City Centre
 - iii. Victorian, Edwardian and Garden City suburbs
 - iv. historic village centres and the city's rural setting.

Development should also:

- e. contribute to place-making, be of a high quality, that contributes to a healthy, safe and sustainable environment, that promotes the city's transformation;

- f. help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- g. enable all people to gain access safely and conveniently, providing, in particular, for the needs of families and children, and of disabled people and older people;
- h. contribute towards creating attractive, sustainable and successful neighbourhoods.

UDP Policy BE5 is concerned with building design and siting. It says the use of good design and use of good quality materials will be expected in all new and refurbished buildings and extensions. The following principles will apply:

Physical Design

- (a) original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings;
- (d) in all new developments, design should be on a human scale wherever possible, and, particularly in large-scale developments, the materials should be varied and the overall mass of buildings broken down;
- (e) special architectural treatment should be given to corner sites in order to create a lively and interesting environment;
- (g) the design, orientation and layout of developments should encourage the conservation of energy and other natural resources.

User Requirements

- (h) the design of buildings, landscaping and lighting should promote all aspects of personal safety and security, particularly at night time;
- (i) designs should meet the needs of users, particularly people with disabilities, elderly people, people with children, and women;

Policy BE11 is concerned with public spaces and says that public spaces will be protected and enhanced where they make an important contribution to the character or appearance of an area or provide spaces for people to walk or relax.

Development within or adjacent to the following Public Spaces will only be permitted where it would respect:

- (a) The character of the space in terms of function, scale proportions and views;
and
- (b) The contribution surrounding buildings make to the character of the space in terms of scale, massing and proportions.

The Peace Gardens is one of the identified spaces.

Paragraph 126 of the NPPF says that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 says that planning policies and decisions should ensure that developments:

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

The applicant argues the scale and design of the building creates an appropriate transition between the large-scale contemporary buildings of St Paul's Place and the smaller scale heritage buildings on the site. They consider the scale is justified in responding to the established increasing scale of St Paul's Place as it moves away from the Peace Gardens whilst stepping down from the height of 3 St Paul's Place opposite. They also refer to the key junction of Charles Street and Norfolk Street and the existing important buildings around the junction along with the desire to create a dramatic architectural statement at this location. They consider the principle of building taller buildings behind lower historical ones has been established by the HoC II Blocks B and C on Pinstone Street. They argue that the design provides a suitable intermediary between the more complex facades of the heritage buildings and simpler facades of St Paul's Parade thereby providing an appropriate neighbour for the heritage buildings.

The design and access statement explains how the design has responded to the local context by designing floor levels with St Paul's Parade and stepping down with the topography where possible. The façade design has provided references to bays of St Paul's Chambers and the windows and of St Paul's Chambers and the Prudential Assurance building which are reflected in the rhythm of the new building. The double height glazing to the lower two floors expresses the common typology found throughout St Paul's Place and the colour of materials has been designed to complement the heritage buildings around it with the lighter tones at higher levels responding to the colour gradient on the heritage buildings.

The existing buildings are 3 storeys high and match, or are of lesser scale, than the other heritage buildings that make up the block. They are faced in dark grey brickwork, tiles, stone, concrete and metal cladding with a 1950/60s design character. There is a strong horizontality to the design which contrasts with the heritage buildings in the same block. There are shopfronts on the ground floor.

They do not complement the conservation area although they are unassuming.

The proposed development maintains the existing back edge of pavement development but increases the scale from 3 to 7 storeys. Whilst the scale of development has increased it is considered that the amended design no longer overwhelms the adjoining heritage buildings and is appropriate to this corner site and consistent with the increasing scale and density within the city centre. It is a contemporary design faced in high quality materials which is consistent with design policies which encourage original architecture. The architecture is simpler and utilises more modern materials than the heavier more ornate heritage buildings within the same block and consequently is more in keeping with the modern taller buildings of St Paul's Place opposite the site. However, it also responds to the adjacent heritage buildings by incorporating stone columns and large glazed openings on the ground floor with a similar rhythm to St Paul's Parade. The façade design has a stronger vertical emphasis which is more characteristic of the conservation area and the glazed areas and anodised aluminium framework breaks up the massing and picks up on the finer grain of plot widths within the conservation area whilst also providing a response to the floor levels of attached buildings.

The increase in height and curved cantilevered glazing at the Norfolk Street and Charles Street corner will help to mark the corner and create a sense of place whilst providing a more comfortable transition to the taller buildings opposite. Design policies support special treatment at corners and architecture that transforms environments lacking distinctiveness, which this scheme will deliver.

The ground floor design incorporates substantial areas of glazing and uses that will create an active and welcoming frontage which will help to promote a safe environment.

The design and materials are high quality and the scale and design strike a reasonable balance between respecting existing character and delivering a contemporary design which will contribute positively to the streetscape. It is concluded that scale and design is consistent with the key design policies outlined above.

Residential Amenity

The National Planning Practice Guidance 'Effective Use of Land' says "where a planning application is submitted, local planning authorities will need to consider whether the proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, as well as assessing whether daylight and sunlight within the development itself will provide satisfactory living conditions for future occupants."

It also asks the question "What are the wider planning considerations in assessing appropriate levels of sunlight and daylight?" It provides the following guidance in relation to this: "All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well

as its detailed design. For example, in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings.” Therefore, it is accepted in national planning guidance that lower daylight and sunlight levels at some windows may be acceptable if new developments are to be in keeping with their surroundings.

The original scheme has been reduced by 3 storeys following negotiations; the new windows overlooking the courtyard are positioned higher in the elevations in order to reduce direct overlooking and living walls have been designed into the scheme to create a more pleasant outlook for residents looking towards the building’s courtyard elevations.

The application site is located at the south-east corner of a perimeter block. The internal courtyard space between these buildings provides outlook and natural light along with some limited outdoor space for the residents of the adjoining perimeter blocks surrounding the courtyard.

The upper floors of all of the buildings within the same block except the application site have been converted to flats. Objections have been received from residents on the basis of overlooking/loss of privacy, loss of light/sunlight and loss of outlook.

Berona House is situated on the south-west corner of the block with frontages to Pinstone Street and Charles Street. There are flats across 3 floors of which 3 face south-east towards the site and 3 face north, perpendicular to the site. They all have bedrooms and combined living rooms and kitchen/dining areas that face into the courtyard. The ones facing towards the site have small balconies. The ones perpendicular to the site that serve living/dining kitchen space have windows facing on to Charles Street as well as the courtyard.

St Pauls Chambers is located at the north-east corner of the block with frontages to St Paul’s Parade and Norfolk Street. There are flats across 3 floors with 8 units that have habitable room windows facing on to the courtyard. There are both combined living/dining/kitchens and bedrooms facing on to the courtyard. The combined living/dining/kitchens have windows facing on to the street as well as the courtyard. Those units in the Norfolk Street block do not look towards the site as they are orientated north-west. Those in the St Paul’s Parade block face south-east towards the site and the Norfolk Street wing of the building.

The Prudential Assurance Building is located at the north-west corner of the block and has frontages to St Paul’s Parade and Pinstone Street with a rear wing extending back into the courtyard. Of the flats facing into the courtyard those in the rear wing face north-east away from the site and contain kitchen/dining/living room windows. The flats in the rear elevation of the main building contain bedroom windows which face south-east towards the site and also towards the existing rear wing of the Prudential building which is much closer than the proposed building. Some of the plans are missing from the planning application file so it is assumed that the first floor layout is replicated on the upper floors.

Amenity Impact

Residents living in a dense city centre cannot expect the same level of amenity as those living in suburban locations. Lower privacy distances, less private amenity space, reduced outlook and greater overshadowing are frequently accepted to achieve townscape objectives and more density in highly sustainable locations. Indeed, within the existing blocks surrounding the courtyard there are substandard outlook distances between existing flats. Balanced judgements need to be made, weighing the overall benefits of the scheme against harmful amenity impacts. Relationships which may be acceptable to allow for re-use of an existing building may not be acceptable for a new build scheme.

Privacy

The existing building has first and second floor office type windows that face into the courtyard. The distance between the new building and Berona House flats is reduced by 4 to 5 metres as the new building extends its floor plate at upper floor levels.

In terms of Berona House, a green wall is proposed over a substantial part of the lower floors facing the courtyard such that directly facing windows do not arise until levels 5 to 7 which helps to reduce the overlooking to windows in Berona House. At level 5 or above the distance between these will be at least 12 metres. Some of the windows will be above the level of the Berona House windows so natural outlook direction from the offices will be over the top of Berona House. Whilst office occupants would still be able to look down to the flats, their main aspect would be over the top of the flats. In terms of Berona House the number of facing windows will be reduced significantly at lower levels but windows will be introduced at higher levels and the distance between the two facades will be reduced. Overall, it is considered that privacy for the impacted flats within Berona House will be improved. Members should note that in other high-rise developments in the city centre, 12 metre outlook distances have been accepted both between courtyard windows and across the street.

For Prudential House the distance between the new building and the existing flats is reduced. The windows facing towards the flats start at level 7 but these are to be obscure glazed so there will be no increase in overlooking.

In terms of St Paul's Chambers, as the new building has windows on the north-east elevation at 4th floor level and above there would be increased overlooking of the bedroom, kitchen and living room areas across a minimum distance of approximately 10 metres but generally 12 metres or more. However, a condition is proposed that the windows at floors 4 and 5 are obscure glazed which would mean that office occupiers would need to actively look down from floor 6 to look into windows or on to the amenity space.

Loss of light

A daylight and sunlight assessment has been submitted in support of the application. A technical analysis has been undertaken using the Building Research

Establishment Guidelines entitled 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice. The applicant's consultants conclude that the surrounding residential properties will exhibit acceptable levels of daylight and sunlight with the development in place.

The applicant points out that the guidelines are not mandatory and that the guide recommends a more contextual approach and setting alternative target values for city centres, urban environments and historic locations. They also say that it is well established that the guidelines are based on low rise suburban development.

The National Planning Policy Practice Guidance under the Effective Use of Land says that where a planning application is submitted, local planning authorities will need to consider whether the proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, as well as assessing whether daylight and sunlight within the development itself will provide satisfactory living conditions for future occupants.

It goes on to say that all developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design. For example, in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings.

The guidelines include two methods for assessing daylight and one for sunlight. Daylight is assessed by the Vertical Sky Component (VSC) and the No Sky Line (NSL). Sunlight is assessed by the Annual Probable Sunlight Hours (APSH).

VSC gives an assessment of how much of the sky is unobstructed from an outward facing window. The guidelines have a 27% VSC target which is based on a suburban type environment. The diffuse daylighting may be affected if the VSC is less than 27% or less than 0.8 times its former value. The applicant's consultant points out that the Greater London Authority produced a report in 2013 which is largely in agreement with the guidance but states that in an inner city urban environment VSC values in excess of 20% should be considered as reasonably good and that VSC in the mid-teens should be acceptable.

The NSL methodology is a measure of the distribution of daylight on a desktop plane within a room. If a significant part of the working plane (normally more than 20%) receives no direct skylight then the distribution of daylight in the room will be poor and supplementary electric light may be required. The guideline says that daylight may be adversely affected if the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.

APSH provides a percentage of the annual probable sunlight hours for the whole year and for the winter period. The most important rooms are living rooms whilst kitchens and bedrooms are less important. The guidance says that a window may be adversely affected if a point at the centre of the window receives:

- Less than 25% of the APSH during the whole year, of which 5% APSH must be in the winter period; and
- Receives less than 0.8 times its former sunlight hours in either time period; and
- Has a reduction in sunlight for the whole year more than 4% APSH.

In terms of overshadowing of amenity areas, the BRE guidelines provides two methods of calculation.

Sun on the ground identifies areas that receive direct sunlight. The guidelines recommend that at least half of an amenity space should receive at least 2 hours of direct sunlight on March 21st. For existing spaces where the sunlit area is less than half of the area, the area which receives 2 hours of sunlight should not be reduced by more than 20% (it should retain 0.8 times its former value).

The second method is transient overshadowing where a shadow plan is produced for different times of the day and year.

21st March (spring equinox)
 21st June (summer solstice)
 21st December (winter solstice)

For each of these days the overshadowing is calculated at hourly intervals. Professional judgement is required to compare the shadow resulting from the proposed development with the existing situation.

Berona House

The results show
 24 of the 33 windows do not meet the VSC guidance
 12 of the 15 rooms do not meet the NSL guidance
 3 of the 13 windows do not meet the APSH guidance

The report says that 11 of the windows which do not meet the criteria for VSC daylight, and eight of the rooms which do not meet the NSL daylight criteria, are bedrooms, which are considered to have a lesser requirement for daylight by the BRE. This means that 13 windows serving living kitchen diners do not meet the BRE criteria for VSC daylight, and four living kitchen diners do not meet the criteria for NSL. They also undertake a further Average Daylight Factor assessment which is a significantly more detailed method of daylight assessment. Of the 15 rooms assessed for ADF, 12 will meet or be within 20% of the BRE target criteria. The baseline ADF figures for the rooms which do not meet the criteria are low, and none currently meet the ADF criteria, which places a significant burden on the development site to maintain already poor daylight levels.

The Greater London Authority guidance says that for an inner-city urban environment VSC values in the mid-teens should be acceptable.

There are 6 flats in Berona House for which the light and sunlight will be affected by the development. It is accepted that daylight and sunlight is less important for

bedrooms as most time is spent in these rooms in the hours of darkness and sleeping. The main concern in terms of loss of light and sunlight should be in respect of the living/kit/dining rooms. In Berona House all of these rooms are served by more than one window.

Of the 6 living/kit/dining rooms affected 3 are in the south-west corner of the building all of which are served by windows facing on to Charles Street (which will not be affected) as well as windows facing into the courtyard. The courtyard windows for these rooms will see VSC levels reduced from good or acceptable (in terms of the GLC guidelines) to below these levels. In terms of NSL there will be reductions, but they are categorised as not noticeable for 2 rooms and minor for the other.

The 3 other living/kitchen/diners have south-east windows which only face into the courtyard. For 2 of these rooms the VSC are already well below what is defined as acceptable under the GLC guidance and will see further reductions. The other room is reduced from acceptable levels to less than this. These 3 living/kitchen/diners will also suffer from reductions in NSL which are categorised as major. 2 of the 3 units will receive reduced sunlight which does not comply with the APSH guidelines; however the reductions are small as these rooms already receive few sunlight hours.

Prudential House

The results show:

16 of the 29 windows do not meet the VSC guidance

6 of the 11 rooms do not meet the NSL guidance

BRE suggests that all main living rooms which face within 90 degrees of due south should be assessed for APSH sunlight. None of the rooms in this property face within 90 degrees of due south and as such, an APSH sunlight assessment has not been undertaken.

The report says that all the rooms that do not meet the criteria for VSC and NSL daylight are bedrooms which have a lesser requirement for daylight. They also point out that that the VSC levels are already low without the development. Overall, taking into account the context, the design of the scheme, the rooms affected and the intended flexibility of BRE guidance the applicant's consultants consider the impact on daylight and sunlight to be acceptable.

The windows to the bedrooms that do not meet the VSC guidance have a reduction of lighting levels of more than 20% which the BRE guidance indicates will be noticeable. 14 of the 16 windows as existing have VSC lighting levels less than the mid-teens which is regarded as acceptable under the Greater London Authority (GLA). Only one bedroom window would have lighting levels reduced from an acceptable level under the GLA guidance to below this level under this guidance.

In terms of NSL, for most of rooms where lighting is reduced, the reduction only affects a small amount of the floor area. There are two bedrooms where the light levels would reduce below the guideline over a significant proportion of the floor

area.

Whilst the natural lighting levels are reduced the impacts are considered to be less significant than the other properties, particularly given that all the rooms affected are bedrooms where natural light is less critical.

St Paul's Chambers

The results show:

11 of the 60 windows do not meet the VSC guidance
1 of 14 rooms do not meet the NSL guidance
12 of the 26 windows do not meet the APSH sunlight guidance

The report says that of the 11 windows which do not meet the VSC guidance 3 serve bedrooms. The VSC lighting level in one of these would still be considered acceptable under the GLC guidance and the other two have very low levels of lighting as existing so small reductions in lighting levels result in a noticeable percentage reduction. One of these bedrooms does not meet the criteria for NSL daylight which would lose all of its daylight on a working plane. The BRE guidance advises that bedrooms have a lesser requirement for daylight than principle habitable rooms.

The remaining 8 windows serve 4 living/kitchen/diners. Where more than one window serves each room the BRE guidance says that the mean VSC can be calculated. The mean figures are all above 20% which the GLA guidance advises should be considered reasonably good. All these living/kitchen/diners are through rooms that have windows on the street elevation as well as the courtyard elevations.

The report says of the 12 windows that do not meet that APSH guidance that the baseline levels are generally low, which places a high burden on the development site to maintain existing levels. In the worst case the two living/kitchen/diner windows facing on the courtyard for one flat will have overall annual sunlight hours reduced from 45 to 6 hours and 29 to 5 hours.

Overshadowing of amenity space.

There is a shared hard surfaced amenity space at first floor level of approximately 100m² to the rear of the St Paul's Chambers apartments. The method of overshadowing assessment uses the sun on ground indicator to determine the areas which receive direct sunlight and those which do not. The BRE guidelines recommend that at least half of an amenity space should receive at least 2 hours of direct sunlight on March 21st. Regarding existing spaces where the existing sunlit area is less than half of the area, the area which receives 2 hours of sunlight should not be reduced by more than 20% (it should retain 0.8 times its former value).

In the existing, pre-development scenario, the amenity area will receive 2 hours of sunlight to 32.50% of its area. With the proposed development in place, no part of

the amenity area will receive 2 hours of sunlight on March 21st.

The applicant's consultants have pointed out that the baseline sunlight levels are already below the 50% recommended and that any viable development which resulted in an increase in the height of the building would result in similar impacts. They also point out that the area which currently receives 2 hours of sunlight on the ground is in the north-east corner, a portion of which is staircases and thoroughfare. Therefore, the majority of the area which is most likely to be used as amenity space receives sunlight below the BRE target criteria in the existing and proposed scenarios and that the area is predominantly gravel rather than a seating area.

In your officers' view, the amenity area is mainly a space that residents pass through and enhances the setting of the flats. There is some evidence of seating but not in the area affected by loss of sunlight. There are other more attractive spaces close by in the city centre, although these are public rather than semi-private spaces. It is however still the case that both the loss of sunlight and scale of the new building will make the space less pleasant to use and pass through.

Outlook

As the office building will be 4 storeys higher than the existing building and the footprint of the development is deeper on the upper floors it will affect outlook from the rear facing windows of existing flats that face on to the courtyard. This is more of an issue for living spaces but less so for bedrooms which tend to be used in the hours of darkness and for sleeping.

Outlook will be affected by both the scale of the building and its appearance.

There are 3 flats in Berona House which have kitchen/living/dining rooms with small external balconies that are single aspect and face towards the site. There are also 3 flats with kitchen/living/dining rooms that are orientated at right angles to the site but are dual aspect with windows facing on to Charles Street and also into the courtyard. The new building will appear significantly more imposing from these properties due to its increased scale. However, these scale relationships are not uncommon in modern city centre development, for example across Norfolk Street between St Paul's Parade and the new office blocks. It is also relevant that occupiers currently look out on to an elevation containing multiple large office windows and banks of air conditioning units and external staircases which are visually unattractive. If the development is permitted, they will look out on to a green wall. Therefore, whilst the rear façade of the offices will be taller and closer, the officer view is that the appearance will be improved with less of a feeling of being overlooked. Given these considerations it is concluded that impact on outlook for these properties will be acceptable.

In terms of St Paul's Parade there are 4 flats with kitchen/living/dining room windows facing towards the site. These are all dual aspect rooms with primary windows facing on to the Peace Gardens. The hard surfaced amenity space to the rear of these units will also adjoin the proposed office building. The new building will be 4 storeys taller than the existing building and extends further into the site. It

will therefore appear significantly more imposing than the existing building both from the rear facing living space windows and from the amenity space. The lower levels of the elevation facing the flats and open space will comprise of a green wall with office windows above. The amenity space to rear of the flats is a gravel and paved flat roof area with plants in pots placed within the space. A couple of the first-floor flats have seating next to the space.

The new building will appear more imposing when viewed from the living spaces of the flats and this will have a negative amenity impact. However, the impact is not considered to be so severe as to justify resisting the application as these rooms will retain an exceptional outlook over the Peace Gardens to the front. Due to the greater depth and height of the new building the amenity space will feel much more enclosed and will lose afternoon sunlight as the office building will be positioned to the south-west of the space. Although it seems likely that the primary function of this amenity space is providing a pleasant setting for the flats with limited use for outdoor seating, the new building will reduce its attractiveness due to its scale and blocking effect on afternoon sun.

Prudential House has only bedrooms facing towards the site, the outlook from which is compromised to a greater degree by the existing rear wing to Prudential House.

Human Rights

Some residents' representations considered that the proposals were contrary to their human rights. When making its decision the Council must balance any likely private harm against the wider public good to ensure that interference with anyone's rights shall only be permitted if it is proportionate (the degree of harm to the individual balanced against the public interest). On this occasion it is the view of Officers that any interference is in accordance with the law and justified as being in the public interest and on the basis of the planning merits of the proposal. Any restriction on rights caused as a result of the proposed development is considered to be proportionate to the wider benefits of granting permission and that such a decision falls within the margin of discretion afforded to the Council.

Sustainable Development

The site is located in a highly sustainable position in the heart of the city centre where it is well served by public transport and there is a high propensity for linked trips with other City Centre uses.

The applicant is aiming for the first net-zero carbon building in Sheffield. There is no formal net zero certification process. The applicant is therefore proposing that this means a building which does not burn fossil fuel and is 100% powered by renewable energy, the best practical targets for embodied carbon are met (600 kgCO₂/m²), any residual emissions are balanced by offset through a recognised offsetting framework. The building design minimises operational energy consumption and only low or zero carbon energy sources will be utilised. The building's embodied carbon impact will be minimised, and any outstanding emissions will be offset. Conditions are proposed to ensure these sustainability

benefits are delivered.

Policy CS65 requires new developments such as this to meet a minimum of 10% of their predicted energy needs from de-centralised and renewable or low carbon energy. It is the developer's intention to be connected to the District Heating System which is a low carbon energy source. They are also proposing to provide Photo Voltaic panels at roof level and a high efficiency electric chiller for building cooling, the developer has committed to purchase only 100% renewable energy for the building. The applicant has calculated that 43.9% of the predicted energy need will be met from de-centralised, renewable, or low carbon energy which is well in excess of the 10% policy requirement. The second part of Policy CS65 seeks to generate further renewable or low carbon energy or incorporate design measures sufficient to reduce the development's overall predicted carbon dioxide emissions by 20%. The applicant's predictions show that in this case the development will reduce carbon emissions by 39.7% compared to the 2013 building regulations.

The site is a brownfield site, and the office building is being targeted to achieve a BREEAM 'Excellent' rating. A pre-assessment has been submitted which shows the proposal is on target to achieve this rating. Core Strategy policy CS 64 requires new developments to achieve a BREEAM 'Very Good' rating and therefore the scheme will be in excess of the policy requirement.

Access Issues

The City's transport priorities are promoting choice by alternatives to the car, maximising accessibility, containing congestions levels, improving air quality, improving road safety and supporting economic objectives through demand management measures and sustainable travel initiatives.

Paragraph 111 of the NPPF says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112 says that first priority should be given to pedestrian and cycle movements and second to facilitating access to high quality public transport. Applications should address the needs of people with disabilities and reduced mobility and create places that are safe, secure and attractive. All developments which generate significant amounts of movement should be required to provide a travel plan.

The application site is in a highly accessible location and is well served by public transport, pedestrian and cycle facilities and close to a number of public car parks and car club facilities. Norfolk Street is a pedestrian zone except for permit holders and loading between 18.30 and 10.00. Access to the retail space will be from Charles Street and the office space will be accessed from Norfolk Street. The development will be car free and indeed there is no realistic way of providing off street parking without compromising the active frontage of the site. Cycle parking (consistent with council's cycle parking guidelines) and changing facilities are to be provided within the building. It is expected that most trips to the site will be by sustainable modes with car visitors utilising the public car parks. The proximity of shops and services to the site means that there is high likelihood that the

development will facilitate linked trips.

Although the floor space increases, it is expected that the increased demand for parking can be accommodated within existing public car parks.

A travel plan has been submitted in support of the application which incorporates the normal travel plan measures such as appointing a travel plan co-ordinator, promoting up to date travel information, offering personalised journey plans, encouraging occupiers to take part in the cycle to work scheme, and promoting car sharing. The travel plan sets targets for reducing the proportion of journeys by car.

The servicing for the retail space should not be significantly different from that required to serve the previous retail uses on the site. It is accepted that servicing movements associated with the development will have a negligible impact on the operation of the highway network. A Construction Environment Management Plan proposes wheel washing facilities to minimise the risk of mud being brought on to the highway. The construction traffic routing is proposed via Charles Street and exiting via Union Street on to Furnival Gate. It is intended to temporarily close off the cul-de-sac section of Charles Street in front of the site for a construction compound with all storage of plant and materials on site, given that there is no realistic alternative in this case.

The elevations show level entrances to the retail and office entrances together with lift access to the upper floors and disabled toilets therefore the development will provide for inclusive access.

The proposal is supported by the Development Plan and NPPF transport policies and will not have any significant highway or pedestrian safety impacts.

Noise/Dust

The applicant has undertaken a noise assessment which includes a noise survey to establish the existing noise climate. The internal noise climate for the offices has been assessed by modelling which incorporates assumptions about the design of the new office building, assuming windows are closed, and an alternative source of ventilation is provided. The results of this show that that the internal noise climate would be the Lowest Observed Adverse Effect. This is defined in the Noise Policy Statement for England as the level above which adverse effects on health and quality of life can be detected. The National Planning Practice Guidance says that where this noise level is established action should be taken to mitigate and reduce noise to a minimum.

In the light of this the Environmental Health Officer (EHO) has recommended conditions which require a scheme of noise insulation to be submitted to achieve appropriate internal noise levels and validation testing of this before the uses commence.

Noise from plant has the potential to cause dis-amenity for local residents living close by. The proposed Use Class allows for food and drink uses as well as office uses and there is the potential for cooking odours to cause dis-amenity for local

residents and office occupiers. There is also the potential for noise breakout from commercial uses and noise from deliveries. Given this the EHO has recommended conditions to control these potential impacts. No concerns have been raised by the EHO regarding increased impact due to odours from Brown's being accentuated due to the greater enclosure of the courtyard therefore this is unlikely to result in significant amenity impacts.

The Construction Environment Management Plan (CEMP) proposes a series of measures to minimise the escape of dust during construction. Construction hours will be limited to 07.30 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturday with no working on Sundays or public holidays. The contractor will employ "best practical means" to minimise noise and vibration resulting from construction operations and shall comply with the recommendations detailed in the Code of Practice for noise and vibration control on construction and open sites (BS 5228-1: 2009 + A1: 2014 & BS 5228-2:2009 + A1: 2014). The Environmental Health Officer is satisfied that the submitted CEMP has proposed reasonable measures to minimise the amenity impacts during construction.

Microclimate

A qualitative desk study has been undertaken to assess the wind conditions around the development for original scheme which was 10-storeys high. This concluded that the development is expected to worsen wind conditions around the entrance to Norfolk Street. In the worst-case wind conditions, most of Norfolk Street remained acceptable for standing with the Charles Street frontage being acceptable for strolling and the entrance into Norfolk Street being acceptable for business walking as defined by the Lawson criteria. The assessment concluded that these conditions were within acceptable limits for the intended uses of the space and therefore no permanent mitigation was required. The assessment goes on to conclude that future developments are expected to alter the wind conditions, but overall conditions are expected to remain within acceptable comfort and safety limits, but the users are likely to experience more gusty conditions. As the scale of the development has now been reduced to 7-storeys there is no requirement to undertake a microclimate assessment for the amended scheme under the Council's guidance and the impact should be less than that described above.

Land Quality

The site lies within a Coal Mining High Risk Area. The applicant has submitted a phase 1 land contamination assessment, this recommends further ground investigations to assess the mining history, ground gas, and unexploded ordnance.

In the light of this the Environmental Health Officer has recommended conditions for investigating and mitigating ground conditions. The Coal Authority has also recommended conditions to ensure the coal mining legacy is investigated and mitigated if appropriate.

Drainage

The drainage submission considers sustainable drainage options but concludes

that due to ground conditions infiltration is unlikely to be viable and as there are no nearby water bodies or surface sewers. Therefore, discharge to the combined public sewer is the only viable option. The applicant's consultants consider that the on-site storage required to reduce surface water run-off could be achieved by blue roofs.

The Lead Local Flood Authority is satisfied with the submitted proposals. Yorkshire Water has no objections to surface water being connected to the public sewer subject to conditions which require the applicant to demonstrate that infiltration is not practical, provide evidence of existing connections and restrict discharge to the existing rate, less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Therefore, it is concluded that drainage can be satisfactorily dealt with by way of conditions whilst delivering reduced surface water run-off.

RESPONSE TO REPRESENTATIONS

The majority of issues raised have been covered in the main body of the report under the relevant headings. Other matters raised are covered here.

The applicant has advised that the Yoga business was aware of the applicant's intention to redevelop the site when they signed the lease which has a short-term break clause. They say that there are alternative premises available in the city centre. Whilst it is accepted that a health and wellbeing business contributes positively to the attractiveness of the city centre the planning system does not have a remit to protect individual businesses and the terms of leases are outside of the control of the planning system. Therefore, the potential loss/relocation of the yoga business should be given little weight in determining this application. Your officers' concur with this view.

It has been argued that the applicant is guilty of green washing to distract from the harmful impacts on amenity and heritage assets and that the buildings should be refurbished rather than demolished. The planning application report endeavours to balance the harmful impacts and concludes on balance that the benefits outweigh the disbenefits. There can be no doubt that the design of the building will be highly sustainable and well in excess of the Council's policy requirements, and conditions are proposed to ensure these benefits are delivered. It is highly unlikely that a refurbished building would deliver office floorspace of sufficient quality to meet the identified need for grade A space.

Residents' concerns about the success of the proposed green walls are reasonable and understandable. A condition is proposed requiring the detailed design to be submitted and approved so that this can be scrutinised by the Council's landscape officers to ensure the design will be successful.

Some of the representations refer to very high percentage reductions in natural light. It should be noted that, whilst there are large percentage reductions in terms of VSC, these refer specifically to how much of the sky is unobstructed from an

outward facing window and in terms of NSL the distribution of daylight on a desktop plane within a room. When the existing amount of light received under these measures is already very low, as is the case with many of the affected rooms and windows, a small reduction in levels results in a large percentage reduction. For example, one bedroom window has an existing unobstructed sky figure (VSL) of 0.8% whereas the BRE target is 27%. The development results in a figure of 0.0% which gives a 100% reduction but the amount of sky visible from the window is changed very little.

SUMMARY AND RECOMMENDATION

The proposed land use aligns with the Development Plan policy and will help to support employment and economic growth and the regeneration of the City Centre which is consistent and closely aligned with NPPF policy. There is of course a doubt about the future demand for office accommodation in the City Centre in the light of the pandemic and increased home working. However, there is no convincing evidence to counter the applicant's expert view that there is a need in the longer term for smaller scale high quality Grade A office accommodation in the City Centre despite the pandemic.

The applicant has amended the design by removing windows at lower levels on the courtyard elevations and, together with the non-vision windows and conditions proposed, privacy is adequately protected. In your officers' view the reduced scale of the scheme means that it will not appear too overbearing from residents' windows facing on to the courtyard; similar relationships between residential buildings have been approved in other City Centre developments to maintain street fronting buildings which are characteristic of the urban fabric of the city centre and help deliver a viable development. Whilst the building will be taller and closer to the courtyard facing apartments in Berona House, and consequently will appear more dominant, there will also be benefits in terms of reduced overlooking and visual improvements due to a green wall replacing a currently unattractive rear elevation.

The BRE daylight and sunlight guidelines are a means of quantifying the amenity impact but have been designed for suburban low-rise developments rather than City Centre high density living. They should not be seen as standards that must be complied with in a City Centre context. If they were rigidly applied to new developments in the City Centre, the sustainability/climate change benefits of high-density development in a highly accessible location would not be able to be delivered and there would be more pressure to develop green spaces to meet the city's future employment and housing needs. Residents living in City Centres benefit from improved access to services and facilities and a direct cost of this is lower private amenity standards and more reliance on public rather than private amenity space. Your officers consider more weight should be given to the GLC VSL guideline than the BRE guideline in this context as it more directly relates to high density locations.

Any increase in the scale of development on this site is likely to have an impact on the amenity of existing residents whose windows and amenity space face on to the courtyard. As explained above, natural light and sunlight is less of a concern for

bedrooms although there are negative sustainability impacts when natural light is reduced due to an increased requirement for electric light.

The officer view is that the impacts of most concern are on the 3 south-east facing living/kitchen/diners which are single aspect and will see reductions in already low levels of natural light and sunlight. Also of concern are the 4 living/kitchen/diners in St Paul's Chambers which will have reduced natural light/ sunlight (although these are served by windows on the courtyard and street elevations), particularly the two which experience the greatest reduction in sunlight hours. In addition, there will be a significant impact on the amenity value of the small courtyard which primarily serves as a pleasant space for accessing the flats but is also used for sitting out and socialising. The new building will reduce the amount of sunlight and will appear dominant and overbearing from this space. The disturbance during construction is a lesser concern as the Environmental Protection Service has advised that this will be adequately controlled by the Construction Environmental Management Plan. There will still undoubtedly be an impact on surrounding residents, but this will be temporary and is an inevitable consequence of any construction programme. It is not a reason in itself for resisting the development.

The amenity impact of the development could be reduced somewhat if the upper floors were confined to the extent of the existing 3-storey buildings. This would reduce the impact on Berona House and the amenity space which serves St Paul's Chambers. The proposed building occupies the full extent of the plot mostly to its full height whereas the other buildings in this block are generally lower along the rear boundaries which allows for more outlook for the apartments and openness around the amenity space. In this respect the development is less of a good neighbour than the existing buildings. However, it is considered highly likely that the development would not be viable if the upper floors were cut back in footprint to match that of the existing 3-storey buildings.

In your officers view the scale of the building is appropriate for this location within the wider block given its position at the corner of Charles Street and Norfolk Street and taking into consideration that this site is on the edge of the conservation area, whilst also acknowledging both the lower buildings within the same block and the taller buildings opposite at No 3 St Paul's and Howden House. The scale now proposed is in line with the original comments from Historic England which referred to it being no higher than the Prudential Assurance Building and the 7 storey buildings of Blocks B and C of HoCII.

The key block views of the scheme show that it will no longer have an adverse impact on the setting of the Town Hall and only a minor impact on the setting of Prudential House. It is acknowledged that the fairly homogenous scale of development within the conservation area allows functionally important buildings to stand out as landmarks. This scheme will not disrupt this as both the Town Hall and Prudential House still remain dominant within the key views. Your officers do not agree with Historic England's comment that the new building will dominate a number of important views. The block views show that it will not dominate views from the Peace Gardens, Pinstone Street or along Norfolk Street given the existing adjacent taller buildings.

The public representations and heritage consultees criticise the design of the building as not being contextually sympathetic. The proposed building does not attempt to ape the heritage buildings and proposes an unashamedly contemporary design which is an acceptable design approach that has been approved elsewhere within the conservation area. Notably Blocks B and C nearby which are both within the conservation area are designed with 7-storey buildings abutting 3-storey non-designated heritage assets. Blocks 1 and 2 and part of Block 3 St Paul's Place on the opposite side of Norfolk Street are also within the conservation area.

The materials are high quality mainly consisting of anodised aluminium and frameless glazing; materials used extensively in other HoCII blocks in the conservation area. In contrast with the existing buildings on the site, which exhibit a horizontal design emphasis, the new building has a vertical emphasis which is more characteristic of the conservation area. The stepped massing within the amended design creates a block rhythm that is sympathetic to the conservation area and the stone framed taller glazed openings on the ground floor respond to the ground floor frontage of St Paul's Chambers whilst creating a more welcoming active frontage than the existing buildings. The modelling of the anodised frame shows that it will create depth to the elevation and visual interest. Your officers consider that the design would be improved without the cantilevered elements and have encouraged a simpler design during negotiations. The applicant has responded by reducing the cantilevered elements from the original scheme and the remaining toned-down feature at the corner of Charles Street and Norfolk Street is not so discordant that it justifies resisting the application.

It is concluded that the proposed modern design and increased scale at this prominent corner location will improve the appearance of the site but at the same time undermine the visual prominence of the non-designated heritage assets of St Paul's Chambers and Berona House on the Charles Street and Norfolk Street frontages. This later aspect will have a minor negative impact on the character of the conservation area and together with the minor impact on the setting of Prudential House will result in less than substantial harm on the designated heritage assets.

The public benefits of the proposal as described in the report are significant. Balancing up the benefits and disbenefits is not an easy task and is a matter of planning judgement. Bearing in mind the requirements of S66 and S72 of the Planning Act and Paragraphs 200 and 202 of the NPPF, it is concluded that the less than substantial harm to the heritage assets is justified in this case and the public benefits outweigh the harm.

Finally, considering the overall benefits of the proposal against the harmful residential amenity impact (described in detail above) to apartments in Berona House and St Paul's Chambers and its associated amenity space, it is concluded on balance that the planning benefits outweigh the planning harm in this case and that the scheme complies with the relevant local and national policies when considered as a whole. It is therefore recommended that planning permission be granted, subject to the listed conditions.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 18 January 2022

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND
DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the erection of front and rear dormers to increase habitable roof space at 12 Kaye Place, Sheffield, S10 1DY (Case No: 21/02871/FUL).
(ii) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the replacement of existing hoarding with a digital advertising display hoarding on the gable end of the building at The Bhaji Shack, 85 Chesterfield Road, Sheffield, S8 0RN (Case No: 21/02851/FUL).
(iii) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the erection of first-floor front extension to dwellinghouse at 21 Greenacre Way, Sheffield, S12 2TZ (Case No: 21/02616/FUL).
(iv) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the erection of 15.0m high monopole with wraparound base cabinet and associated ancillary works (Application for determination if approval required for siting and appearance) at land opposite 53 East Road, East Bank Road, Sheffield, S2 3PX (Case No: 21/02433/TEL).
(v) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for alterations to roof to form additional habitable accommodation including erection of front and rear dormers to dwellinghouse at 100 Fulton Road, Sheffield, S6 3JN (Case No: 21/02256/FUL).
(vi) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for erection of 17.5m Monopole with 6no. antennas, 1 GPS module, 2no. equipment cabinets, 1no. meter and ancillary works (Application to determine if approval is required for siting and appearance) at site opposite 196-198 Abbeydale Road South, Sheffield, S7

2QL (Case No: 21/01925/FUL).

(vii) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for permanent clear glazing to oriel window facing no. 23 Stumperlowe Park Road (Application under Section 73 to remove/vary condition 4 (obscure glazing) of planning permission no. 18/02587/FUL (Erection of a two/single-storey rear extension to dwellinghouse including Juliet balcony, first-floor front extension and raised patio to rear)) at 25 Stumperlowe Park Road, Sheffield, S10 3QP (Case No: 21/02191/FUL).

(viii) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the erection of two-storey side extension to dwellinghouse at 45 Thorpe House Avenue, Sheffield, S8 9NH (Case No: 21/01963/FUL).

(ix) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the demolition of rear detached garage, erection of a two-storey side extension and single-storey rear extension, excavation of part of rear garden to form patio area and alterations and extension to front driveway of dwellinghouse (Amended Description) at 60 Woodstock Road, Sheffield, S6 6TG (Case No: 21/01644/FUL).

(x) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for Alterations and extensions to roof to form additional habitable space including erection of rear dormer with Juliet balcony, erection of two-storey side extension, single-storey front extension and single-storey rear extension with raised decking to dwellinghouse at 11 Heather Lea Place, Sheffield, S17 3DN (Case No: 21/01469/FUL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 15.0m monopole with associated cabinets and ancillary works (Application to determine if approval is required for siting and appearance) at land opposite 1-3 Burngreave Road, Sheffield, S3 9DA (Case No: 21/01778/TEL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the siting and appearance of the monopole on the character and appearance of the area, given the location adjacent to Ellesmere Green, a public open space which acts as a focal point within the streetscene and provides a peaceful contrast to the busy urban location. He considered that the monopole would be of an excessive scale and be dominant and imposing, particularly when compared

to the slimline nature of the prevailing street furniture and in the context of the wide views which would be afforded of the structure from surrounding vantage points. It would rise significantly above the trees on the green and any screening would be diminished in the winter months, making the monopole dominant against the backdrop of an attractive open space.

Furthermore, the evidence presented in relation to the site search area was found to be lacking, with no reference to the consideration of siting the equipment on existing buildings or on other less sensitive sites nearby, as alluded to in the officer report. The Inspector found that insufficient evidence had been presented in relation to alternative siting options.

He concluded that the siting and appearance of the monopole would be significantly harmful and that the harm would not be outweighed by the need for the installation, given the lack of evidence presented. He therefore dismissed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 15.0m Monopole with associated cabinets and ancillary works (Application to determine if approval is required for siting and appearance) at land at Jessop Street near the junction with Eyre Street, Sheffield, S1 4QW (Case No: 21/01634/TEL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues in this case to be the effect of the siting and appearance of the proposal on the safety and mobility of pedestrians and cyclists; the character and appearance of the CIQ Conservation Area and whether any identified harm is outweighed by the benefits having regard to any alternative available sites.

They concluded that the siting of the equipment would compromise the safety and mobility of pedestrians and cycles due to the decreased width of the shared pedestrian cycleway and the resultant increase in the potential for conflict as a result.

On the impact on the conservation area, they concluded that the proposal would not harm the character and appearance because of the industrial and commercial nature of the area.

On the matter of alternative sites, the Inspector found that there was scant information provided by the appellant in this regard such that there was not enough evidence to say whether this was indeed the only available site in the search area.

The Inspector therefore dismissed the appeal on the basis of the harm it would cause to the safety and mobility of pedestrians and cyclists and the lack of evidence that it could not be sited elsewhere within the search area

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a 17.5 m high streetpole with 6 antennas, 1 GPS module, 2 equipment cabinets and 1 meter (Application to determine if approval is required for siting and appearance) at Hastilar Road South at the junction of Richmond Road, Sheffield, S13 8EG (Case No: 20/04429/TEL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues in this case to be the effect of the siting and appearance of the proposal on the character and appearance of the area and the setting of a nearby listed building.

The Inspector noted that the mast would be much taller than nearby trees and street furniture and would be highly visible to passers-by. The large size would be visually discordant, out of scale and overly prominent in the setting.

They also concluded that the height of the mast would adversely impact on the setting of the Grade II Listed Church of St. Catherine of Siena and particularly compete with the bell tower and erode the dominance of this landmark building, which would harm its significance.

They therefore dismissed the appeal and also referred to the lack of evidence in terms of reviewing alternative, potentially less harmful sites, in the local area.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the continuation of use of part of ground floor of dwellinghouse (Use Class C3) as a cosmetics clinic (Sui Generis) at 8 Church Glebe, Sheffield, S6 1XA (Case No: 20/02676/FUL) has been dismissed.

Officer Comment:-

The main issues in this appeal were:

- the level of on-site parking provision and the resultant effect of the development on highway safety; and,
- the effect of the development on residential character and the living conditions of neighbours with regard to noise and general disturbance.

The Inspector found that, in practice the site has no more than two off road parking spaces for use in association with the cosmetic clinic and may on occasions only have one. The business employs two part time therapists, with one to two patients receiving treatment on site at any one time. This indicates a parking demand of four cars and, on occasions, more.

The Inspector acknowledged that a shortfall in on-site parking provision displaces parking onto the road and reduces the intervisibility between road users and children to the detriment of highway safety. It was also noted that

the site is not well served by public transport.

In relation to the first issue, the Inspector concluded that the change of use of part of the ground floor to a cosmetics clinic does not provide sufficient off-street parking and endangers pedestrians causing unacceptable harm to highway safety, contrary to policy H14 (d) of the Sheffield Unitary Development Plan (UDP) and paragraph 111 of the National Planning Policy Framework.

The clinic is open for appointments six days a week from 10:00 hrs to 18:00hrs on Mondays to Fridays and until 16:00hrs on Saturdays. The Inspector felt that a successful clinic would have a steady flow of clients throughout the day and that such frequent comings and goings, on a quiet, residential cul-de-sac with normally little traffic, would degrade its high quality residential character and harm the living conditions of neighbouring residents. The delivery of supplies in large lorries and vans collecting waste was also considered to be out of keeping with the character of the cul-de-sac.

In relation to the second issue the Inspector concluded that the development is detrimental to the amenities of the locality and the living conditions of nearby residents by virtue of the general disturbance and noise resulting from the vehicular activity it generates, contrary to policy H14 of the UDP and paragraph 130f of the National Planning Policy Framework.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the retention of terrace over single-storey rear extension and erection of 1.8m obscure screening (resubmission of 20/00197/FUL) at 18 Town End Road, Sheffield, S35 9YY (Case No: 20/01965/FUL) has been dismissed.

Officer Comment:-

The main issues were the effect of the development on the living conditions of the occupiers of neighbouring properties and the effect of the development on the character and appearance of the area.

The Inspector found that the proposed privacy screen would lead to the creation of an imposing structure of substantial height and length that would appear significantly oppressive and dominant in views from the patio and rear windows of the property to the east, resulting in harm to the living conditions of the occupiers of the neighbouring property contrary to Policy H14 of the Sheffield Unitary Development Plan, paragraph 130 of the National Planning Policy Framework and Guideline 5 of the Supplementary Planning Guidance Designing House Extensions (SPD).

However, as views of the development are likely to be limited to those gained from the gardens and yards of neighbouring dwellings and the roof terrace would only be partially enclosed by the screen, and taking into account the existing nature of the flat roofed extension and three storey building, the Inspector also found that the roof terrace and 1.8 metre high screen would appear subordinate and would not dominate the host dwelling, preserving the

character and appearance of the area and complying with Policy H14 of the UDP, paragraph 130 of the National Planning Policy Framework and Guideline 2 of the SPD.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the demolition of outbuildings and erection of single-storey rear extension and rear undercroft garage/store with associated alterations to ground levels, provision of ramp, landscaping and associated works at 117 Machon Bank, Sheffield, S7 1GQ (Case No: 21/00480/FUL) has been allowed.

Officer Comment:-

The Inspector noted the main issue to be that of highway safety.

He noted the proposal involved a partly sunken garage with direct opening onto the highway (via footway) of Emily Road, and that the safety of pedestrians here was the Council's main concern owing to lack of visibility.

He also noted that the recent approval of a similar scheme on the opposite side of the road was an important material consideration that whilst not setting a precedent, was directly comparable.

He also noted the Council's concerns about the structural integrity of the highway owing to the partly sunken nature of the garage though considered these not to be a planning matter, but correctly resolved through other legislation (Highways Act).

He gave significant weight to the provision of off-street parking offering the potential for alleviating very high levels of on street parking in the area and considered this partly offset any concerns about pedestrian/vehicle conflict.

Influenced by the recent comparable approval, he did not consider the poor pedestrian/vehicle intervisibility would be harmful to highway safety, found no conflict with policy H14 of the UDP, or paragraph 111 of the NPPF and allowed the appeal.

(ii) To report that an appeal against the Committee decision of the Council to refuse planning permission for the demolition of public house, and ancillary buildings (Use Class A4), and erection of 8no dwellings (Use Class C3) including associated undercroft car parking and formation of access to the highway - (Amended drawings and Asset of Community Value (ACV) Statement) at The Plough Inn, 288 Sandygate Road, Sheffield, S10 5SE (Case No: 19/02130/FUL) has been allowed.

Officer Comment:-

The main issue in this case was the effect of the proposed development with regard to the loss of an Asset of Community Value (ACV).

The Inspector acknowledged that the status of the building as an ACV is a material consideration in the appeal and had no doubt that its listing in both 2015 and 2018 satisfied the tests of The Localism Act 2011 at that time. The Inspector noted, however, that there has been a significant amount of time since the public house closed and that in its present condition, general deterioration, and vandalism, it would not be a viable commercial enterprise.

The Inspector was not provided with any evidence to suggest that an application for an alternative community use is forthcoming or evidence of the PH coming forward as a viable community project with local stakeholders and so was not satisfied that it currently offers any community value, positively contributes to the local community or that there is a real prospect of the site being used in the future for a community use.

The Inspector considered that, on the basis of the evidence, it has been demonstrated that the appellant has extensively marketed the property for a satisfactory period and at an appropriate value. There is no substantive evidence of market demand for an alternative use of the PH or community use or project at the site during the last 3 years. Moreover, there are alternative provisions of nearby public houses and community facilities in the area that would meet the day-to-day living needs of nearby residents and the wider community.

With no realistic prospect of the PH and the site returning to its former use in the future the Inspector concluded that the proposal and the loss of the ACV would not lead to the reduction to the community's ability to meet its day-to-day needs. It would not be in conflict with paragraph 93 of the Framework, that has regard to community facilities and, although not cited on the decision notice, there would be no conflict with Saved Policy CF2 of the UDP.

Application for Costs

The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

The applicant made a costs application, submitting that the Planning Committee failed to provide adequate reasons or evidence for attaching significant weight to the status of the public house as an Asset of Community Value (ACV). Thus, the Council failed to produce evidence to substantiate the reason for refusal, which was against the recommendations of the Council's Planning Officer set out in their report to committee.

The applicant also contends that the Council have prevented or delayed development which should have clearly been permitted, having regard to its

accordance with the development plan, national policy and any other material considerations, which includes benefits of the scheme.

PPG1 makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis. A Council is not duty bound to follow the advice of its professional officers and this alone would not amount to unreasonable behaviour. However, if a contrary decision is reached the Council should clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.

The Inspector noted that it is open to the Local Planning Authority to decide whether listing as an ACV is a material consideration and the weight to be attached to it is one of planning judgement by the decision maker. In this case, the Planning Committee attached significant weight on the basis of the number of representations received and considered that there was still a likelihood that a community group or other interested party could come forward in the future.

The Inspector found, however, that the majority of representations were generalised and there was no objective analysis of the applicant's evidence submitted with the application at that time by members of the committee. There were also no objections raised from statutory consultees. Furthermore, the Planning Committee wrongly placed greater weight on the status of the public house being an ACV, on the basis there was a realistic prospect of the public house being brought back into use.

In addition, the minutes of the Planning Committee do not substantiate any meaningful discussion or consideration of the facts, including benefits or reference to the relevant development plan policies or policies in the Framework, that took place by Members, instead only offering the voting outcomes and general reference to policy regard. They do not set out the full reasons for refusal, which is substantially different in wording to that on the Council's formal decision notice.

As such, there is no substantive evidence to support a decision taken contrary advice to that of the planning officer, who fully addressed both local objections and marketing evidence during the course of the planning application, and recommended planning permission to be granted subject to conditions.

The Inspector concluded that the development should reasonably have been permitted, that it was refused on the basis of local knowledge, general and vague assumptions on the prospect of the public house being brought back into community use, and without any evidence to counter the assessments and conclusions made by the applicant.

The Inspector therefore found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been

demonstrated and that a full award of costs is justified.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

(i) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the notice which is the unauthorised:

- (1) large scale landscaped rockery, with numerous ornamental plants;
- (2) large temporary building;
- (3) earthworks;
- (4) siting of a very large static caravan;
- (5) excavation works on the land.

At Donkey Field, land at junction with Long Lane and Hagg Lane, Sheffield, S10 5PJ (Planning Inspectorate Ref APP/J4423/C/21/3285589).

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report.

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

18 January 2022