

# Planning and Highways Committee

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**Tuesday 14 June 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**

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Councillors Alan Woodcock (Joint Chair), Nighat Basharat, Mike Chaplin, Tony Damms, Roger Davison, Brian Holmshaw, Dianne Hurst, Barbara Masters, Bob McCann, Peter Price, Garry Weatherall, Sophie Wilson and Cliff Woodcraft

## **Substitute Members**

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

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## PUBLIC ACCESS TO THE MEETING

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The Planning and Highways Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues. A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk)

You 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.

### Attending Meetings

Meetings of the Council have to be held as physical meetings and are open to the public. If you would like to make a representation to the Planning and Highways Committee, please email [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk) by 9am 2 working days before the meeting and state which application you wish to speak on. If you would like to attend the meeting, please report to an Attendant in the Foyer at the Town Hall where you will be directed to the meeting room. However, it would be appreciated if you could register to attend, in advance of the meeting, by emailing [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk) as this will assist with the management of attendance at the meeting.

PLEASE NOTE: The meeting rooms in the Town Hall have a limited capacity. We are unable to guarantee entrance to the meeting room for observers, as priority will be given to registered speakers and those that have registered to attend. Alternatively, you can observe the meeting remotely by clicking 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.

Further information on this or any of the agenda items can be obtained by speaking to Abby Hodgetts on telephone no. 0114 273 5033 or by emailing [abby.hodgetts@sheffield.gov.uk](mailto:abby.hodgetts@sheffield.gov.uk)

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## FACILITIES

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
14 JUNE 2022**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 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 - 14)  
Minutes of the meeting of the Committee held on
- 6. Site Visit**  
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Applications Under Various Acts/Regulations** (Pages 15 - 16)  
Report of the Director of City Growth Service
- 7a. Application No. 22/01397/FUL - 268 Handsworth Road and land to the rear of 270, Sheffield, S13 9BX** (Pages 17 - 40)
- 7b. Application No. 22/00723/FUL - Land at junction with Cobden View Road and Northfield Road, Sheffield, S10 1QQ** (Pages 41 - 76)
- 7c. Application No. 21/02714/FUL - 715 - 717 Abbeydale Road, Sheffield, S7 2BE** (Pages 77 - 96)
- 7d. Application No. 20/03276/FUL - Kenwood Hall Hotel, Kenwood Road, Sheffield, S7 1NQ** (Pages 97 - 132)
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 133 - 136)  
Report of the Director of City Growth Service
- 9. Date of Next Meeting**  
The next meeting of the Committee will be held on Tuesday 12<sup>th</sup> July 2022 at 2pm in the Town Hall.

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its Policy Committees, 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 Standards Committee in relation to a request for dispensation.

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

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Planning and Highways Committee

Meeting held 24 May 2022

**PRESENT:** Councillors Dianne Hurst (Chair), Peter Price, Tony Damms, Roger Davison, Brian Holmshaw, Bob McCann, Garry Weatherall, Richard Williams, Alan Woodcock, Mike Chaplin, Tony Downing (Substitute Member) and Barbara Masters

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**1. APPOINTMENT OF CO-CHAIRS OF THE COMMITTEE FOR THE MUNICIPAL YEAR 2022-23**

1.1 It was noted that Councillors Dianne Hurst and Alan Woodcock had been elected Joint Chairs of the Planning and Highways Committee at the Annual Meeting of the Council held on 18<sup>th</sup> May 2022.

**2. APOLOGIES FOR ABSENCE**

2.1 Apologies for absence were received from Councillors Nighat Basharat and Sophie Wilson

2.2 Councillor Tony Downing acted as substitute Member for Councillor Basharat.

**3. EXCLUSION OF PUBLIC AND PRESS**

3.1 No items were identified where resolutions may be moved to exclude the press and public.

**4. DECLARATIONS OF INTEREST**

4.1 Councillor Brian Holmshaw declared a personal interest in Agenda Item 9, Tree Preservation Order No. 448, 6 Hardwick Crescent, Sheffield, S11 8WB, as a local ward member. Councillor Holmshaw declared that he had not given an opinion or made up his mind on the tree preservation order prior to the meeting, therefore would take part in the discussion and voting thereon.

4.2 Councillor Tony Downing declared a personal interest in Agenda Item 10c, Application No. 21/03651/FUL – The Royal Oak, 53 High Street, Mosborough, Sheffield, S20 5AF, as a local ward member. Councillor Downing declared that he had not given an opinion or made up his mind on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

**5. MINUTES OF PREVIOUS MEETING**

- 5.1 The minutes of the meeting of the Committee held on 12<sup>th</sup> April 2022 were approved as a correct record.

**6. SITE VISIT**

- 6.1 **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.

**7. TREE PRESERVATION ORDER NO. 447, 45A BROOKLANDS AVENUE, SHEFFIELD, S10 4GB**

- 7.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 7.2 In late November 2021, the site had been cleared of many trees and in response, an inspection of the remaining trees had been carried out by the Community Tree Officer. In order to prevent the removal of further trees, a Tree Preservation Order was therefore served.
- 7.3 One representation had been received from residents whose land bordered site who were supportive of the TPO.
- 7.4 **RESOLVED:** That Tree Preservation Order No. 447 be confirmed unmodified.

**8. TREE PRESERVATION ORDER NO. 448, 6 HARDWICK CRESCENT, S11 8WB**

- 8.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 8.2 A planning application had been received for the site which had raised concerns regarding how the potential development would be realised in such close proximity to the trees. An inspection of the trees had been carried out by the Community Tree Officer. In order to prevent the removal of the trees, a Tree Preservation Order was therefore served.
- 8.3 One objection had been received from a neighbouring property asking that the TPO be amended to allow pruning. The objection was responded to giving information on how to apply for pruning through the application process. As of the date of the Committee, no application had been received.
- 8.4 **RESOLVED:** That Tree Preservation Order No. 448 be confirmed unmodified.

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

**9a. APPLICATION NO. 21/04262/FUL - LAND ASSOCIATED WITH INGFIELD HOUSE, 11 BOCKING HILL, SHEFFIELD, S36 2AL**

9a.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.

9a.2 Tom Vincent attended the meeting and spoke in support of the application.

9a.3 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 and also had regard to representations made during the meeting.

9a.4 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report for the erection of 14 dwellinghouses with associated works, parking and landscaping at land associated with Ingfield House 11 Bocking Hill Sheffield S36 2AL (Application No. 21/04262/FUL).

**9b. APPLICATION NO. 21/03835/FUL - LAND WITH EXISTING BUILDINGS ON 443 - 447 QUEENS ROAD, HIGHFIELD, SHEFFIELD, S2 4DR**

9b.1 An additional representation, along with the officer response, amended conditions and an amended recommendation were included within the supplementary report circulated and summarised at the meeting.

9b.2 The Planning Officer also informed Committee of the relevant policy, GE17 of the UDP, with particular reference to part d) of that policy which had been omitted from the report but made reference to the creation of riverside walkways.

9b.3 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.

9b.4 Simon Ogden attended the meeting and made representations regarding the application.

9b.5 Tom Vincent attended the meeting and spoke in support of the application.

9b.6 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 including the amended conditions and recommendation, now submitted and also had regard to representations made during the meeting.

9b.7 Councillor Richard Williams proposed an amendment to the conditions to restrict opening times to 10pm on Sundays. This was seconded by Councillor Weatherall. A vote was taken by show of hands and was passed.

9b.8 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, subject to a Planning Obligation under Section 106 (updated) with the following Heads of Terms that require the applicant to:-

1. Provide a public access area adjacent to the River Sheaf as shown on the Proposed Site Plan Ref: J9318/12 F;
2. Ensure the public access area remains open to the public;
3. Maintain the public access area; and
4. Prevent closure of the public access area other than for maintenance;

for the reasons set out in the report and supplementary report including the amended and deleted conditions and the amended condition regarding opening times, for the demolition of existing building and erection of Drive-Thru Coffee Outlet with associated works and landscaping at land with existing buildings on 443 - 447 Queens Road, Highfield, Sheffield, S2 4DR (Application No. 21/03835/FUL).

**9c. APPLICATION NO. 21/03651/FUL - THE ROYAL OAK, 53 HIGH STREET, MOSBOROUGH, SHEFFIELD, S20 5AF**

9c.1 Confirmation of the actions taken with regard to the issue of land contamination and the impact on neighbouring sites, additional Highways comments, additional representations along with the officer response, amended conditions, an additional condition and confirmation on private rights of way were included within the supplementary report circulated and summarised at the meeting.

9c.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.

9c.3 As Members of the public were present who had an interest in the site, the Chair asked if they wished to make a representation.

9c.4 Michael Wattam and Chris Rosling-Josephs spoke against the application.

9c.5 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 additional condition and amended condition and also had regard to representations made during the meeting.

9c.6 Due to the discussions focusing on the unlawful demolition of the building, legal

advice was given that the Planning Practice Guidance provides that one option to regularise breaches of planning control is to invite a retrospective application for the site and such an application must be considered in the normal way. The officer report and recommendation had been written with this in mind and did not take the fact that the demolition had already occurred into account.

- 9c.7 Councillor Richard Williams proposed an amendment to condition 35 to restrict delivery times to 10pm on Sundays and Bank Holidays. This was seconded by Councillor Weatherall. A vote was taken by show of hands and was passed.
- 9c.8 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report including the amended conditions and additional condition and the amended condition 35 regarding delivery times, for the demolition of public house (retrospective) and erection of single-storey building comprising 3 no. retail units (Use Class E) with associated parking and landscaping (amended description as per amended plans published 08.02.2022) at The Royal Oak 53, High Street, Mosborough, Sheffield, S20 5AF (Application No. 21/03651/FUL).

## **10. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

- 10.1 The Committee received and noted a report of the Chief Planning Officer detailing new planning appeals received, appeals dismissed and appeals allowed by the Secretary of State.
- 10.2 The Planning Officer noted that the Secretary of State had dismissed an appeal for the refusal by the Committee of an application at 162-170 Devonshire Street, Sheffield, S3 7SG. The Inspector agreed that the development was contrary to local and national heritage and design policies as well as local and national policies designed to protect the living conditions of existing residents.

## **11. DATE OF NEXT AND FUTURE MEETINGS**

- 11.1 It was noted that the next meeting of the Planning and Highways Committee would be held on Tuesday 14<sup>th</sup> June 2022 at 2pm.
- 11.2 Future meetings would be held on Tuesdays at 2pm, as follows:

12<sup>th</sup> July 2022  
9<sup>th</sup> August 2022  
13<sup>th</sup> September 2022  
11<sup>th</sup> October 2022  
8<sup>th</sup> November 2022  
6<sup>th</sup> December 2022  
10<sup>th</sup> January 2023  
14<sup>th</sup> February 2023  
14<sup>th</sup> March 2023  
18<sup>th</sup> April 2023





## SHEFFIELD CITY COUNCIL Planning and Highways Committee

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**Report of:** Director of City Growth Department

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**Date:** 14/06/2022

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**Subject:** Applications under various acts/regulations

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**Author of Report:** Chris Heeley, Lucy Bond and Sarah Hull

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**Summary:**

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### Reasons for Recommendations

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

**Recommendations:**

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### Background Papers:

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

**Category of Report:** OPEN

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Case Number	22/01397/FUL (Formerly PP-11171181)
Application Type	Full Planning Application
Proposal	Continuation of use of land as car sales forecourt and vehicle storage area (sui generis), including retention of portable building and container (retrospective application), resurfacing works, and erection of a 2.1 metres high acoustic fence along the south-west edge of the designated storage area and car sales forecourt (Amended description)
Location	268 Handsworth Road and land to the rear of 270 Sheffield S13 9BX
Date Received	07/04/2022
Team	City Centre and Major Projects
Applicant/Agent	Crowley Associates Ltd
Recommendation	Grant Conditionally

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

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

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

Drawing no. 001 Rev B (Site Location Plan) published 07.04.2022  
Drawing no. 003 Rev E (Proposed Site Layout Plan) published 31.05.2022  
Details of 12K Envirofence (with images) published 04.05.2022

Reason: In order to define the permission.

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

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

2. Within one month of the date of this decision a 2.1 metres high acoustic fence shall have been erected in the location as shown on the approved drawing no. 03

Rev E (published 31.05.2022) in accordance with the approved details; 12K Environfence, ref: JSW 01 Issue 02, prepared by Jacksons Fencing; How to Install Jakoustic Reflective Fencing Using Tuning Fork Posts, ref: JFW 35 Issue 6, dated 17.02.2022, prepared by Jacksons Fencing; and in line with recommendations of the Noise Assessment report, ref: 13438.01 v5, dated 03/2022, prepared by NoiseAssess. Thereafter the approved acoustic fence shall be retained and maintained in good order.

Reason: In the interests of residential amenity.

3. The development shall not be used unless the running lane and turning head is retained as marked out, as shown on drawing no. 003 Rev E 'Proposed Site Layout Plan' (published 31.05.2022), to allow free movement of vehicles within the site and thereafter such running lane and turning head shall be retained free of all obstructions, including the storage, display and depositing of materials, cars and other objects so that the running lane and turning head is fully available for the turning and manoeuvring of visitor, delivery or stock vehicles.

Reason: In order to ensure that there is adequate manoeuvring and customer parking space on site, in the interests of highway safety.

4. Within three months of the date of this decision or an alternative timeframe to be agreed with the Local Planning Authority, the proposed drainage and hard landscaping shall have been implemented in accordance with the details approved under 19/00674/COND3 and thereafter retained.

Reason: To ensure the proposed development is appropriately drained, in the interests of the amenities of the locality.

5. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

6. Prior to the installation of any external lighting, full details shall have been submitted to and approved in writing by the Local Planning Authority and such approved external lighting shall only be installed in accordance with the approved details.

Reason: In the interests of residential amenity.

### **Other Compliance Conditions**

7. Deliveries and collection of vehicles shall only take place between 1000 hours and 1800 hours, Mondays to Saturdays and shall not take place on Sundays or Public Holidays.

Reason: In the interests of residential amenity.

8. The premises shall only be used during the following times:

0800 hours to 1800 hours, Mondays to Saturdays; and  
1000 hours to 1600 hours, Sundays and Public Holidays

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

9. No music shall be played on the site or a tannoy system be installed and used on the site at any time.

Reason: In the interests of residential amenity.

10. The existing customer car parking accommodation within the site, as indicated on drawing no. 003 Rev E 'Proposed Site Layout Plan' (published 31.05.2022), shall be retained for the sole use of visitors of the use hereby approved, and no stock vehicles shall be parked or stored in the parking bays. Thereafter, such customer car parking accommodation shall be retained.

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

11. No valeting of vehicles or use of powered equipment shall be carried out on the site at any time.

Reason: In the interests of residential amenity.

12. There shall be no vehicle engines left running other than for moving a vehicle within the site.

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

13. There shall be no commercial vehicles stored or displayed for sale on the site.

Reason: In the interests of amenities of adjoining residential properties.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
3. As the proposed development abuts the public highway you are advised to

contact the Highways Co-ordination Group prior to commencing works:

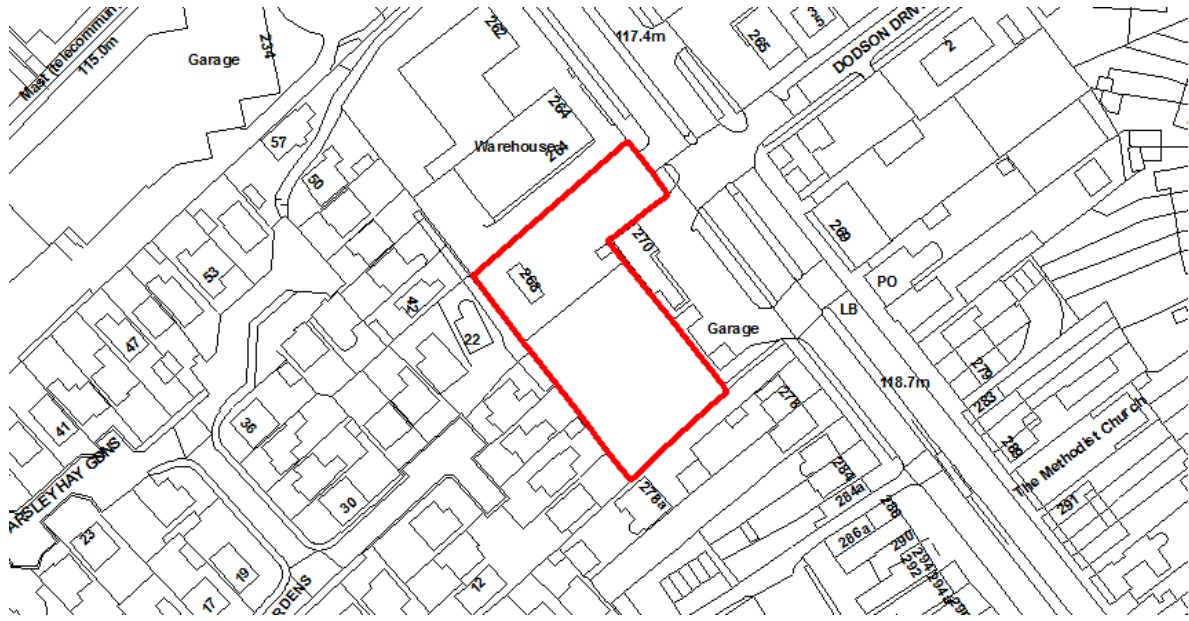
Telephone: 0114 273 6677

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

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

4. 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.

# Site Location



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## LOCATION AND PROPOSAL

This report relates to an existing car sales business, 'Motor Gurus', which is positioned on the west side of Handsworth Road, opposite the junction with Dodson Drive.

The application site lies within a Business Area, as defined in the Unitary Development Plan. The business has been operating for a number of years and planning permission was granted in February 2020 (ref: 19/00674/FUL) for an expansion of the business premises onto adjacent land to the south-east; a permission which has been implemented. Planning permission was granted on a temporary 2 year basis, which expired on 18 February 2022. Two planning applications (refs: 21/02655/FUL and 21/04597/FUL) were submitted which sought to continue using the site but on a permanent basis and to open on Sundays and Public Holidays but were later withdrawn prior to being presented to the Planning & Highways Committee in February 2022.

The car lot premises utilises most of the site for the display of motor vehicles, but also includes a portable sales building positioned towards the rear section of the site and a storage building to the east set behind an existing structure. A running lane extends through the site leading to 3 designated customer parking spaces. The site is served by an existing means of vehicular access from Handsworth Road, which is flanked by a low brick wall.

The site is enclosed by a variety of boundary treatments, including a metal mesh fence along the northern and eastern boundaries; a solid metal fence and existing trees/shrubs along the south-east boundary; and a mix of timber fencing along the rear, south-west boundary. There are self-set trees and newly planted shrubs near the rear boundary.

The site is bounded by Wilson's carpet warehouse to the north and a hand car wash business (no. 270) to the east, fronting immediately onto Handsworth Road, which is within the same ownership as the application site. On the opposite side of Handsworth Road are local businesses and residential properties and to the south-east and west (at the rear of the site) are residential properties sited at a lower level than the site.

This application seeking to permanently use the land as a car sales forecourt and vehicle storage area (sui generis), including the retention of a portable building and container and to carry out resurfacing works. It is also proposed to erect a 2.1 metres high acoustic timber fence along the south-west edge of the designated storage area and car sales forecourt, between the site and the rear gardens of properties on Parsley Hay Gardens.

## RELEVANT PLANNING HISTORY

11/01300/CHU – Continuation of use of existing car park as a car sales forecourt – Granted Conditionally for a period of 2 years - 16.06.2011. (This relates to the smaller site between 264 and 270 and not the larger area of land behind 270 and was a 2 year temporary consent)

16/04353/FUL – Continuation of use of land as a car sales forecourt, use of part of the site for open storage and relocation of cabin – Withdrawn – 18.01.2017.

18/00266/FUL – Continuation of use of the site as a car sales forecourt, retention of

portable sales building and siting of 4 floodlights – Granted Conditionally for a period of 12 months – 16.10.2018. (This relates to the smaller site between 264 and 270 and not the larger area of land behind 270)

Appeal ref: APP/J4423/W/18/3216340 – An Appeal was lodged by the applicant (landowner), disputing the imposition of 3 conditions relating to planning permission 18/0026/FUL which was granted for the continued use of the car sales forecourt for a temporary period of 12 months. The Inspector allowed the Appeal on the basis that 3 customer parking bays be provided and a running lane together with all other conditions originally imposed.

19/00674/FUL – Use of land as car sales forecourt and vehicle storage area (sui generis), including provision of portable building and container – GC 19.02.2020 (This was for the entire site between 264 and 270 and also the larger area of land behind 270)

19/00674/COND1 – Application to approve details in relation to condition nos. 3 (surface water drainage design) and no. 6 (hard and soft landscaping) – The details were not sufficient to be approved.

19/00674/COND2 – Application to approve details in relation to condition no. 6 (hard and soft landscaping) – The soft landscaping details are approved.

19/00674/COND3 – Application to approve details in relation to condition nos. 3 (surface water drainage design) and no. 7 (surfacing of vehicle storage area) – The details are approved.

21/02655/FUL – Application to operate on Sundays and Public Holidays for a further 12 months (Application under Section 73 to vary condition 14 of planning permission no. 19/00674/FUL (Use of land as car sales forecourt and vehicle storage area including provision of portable building and container) – Application was withdrawn.

21/04597/FUL – Application under Section 73 to remove condition no. 1 (temporary use) as imposed by planning permission 19/00674/FUL – Application was withdrawn.

## ENFORCEMENT

Since the granting of planning permission 19/00674/FUL there have been complaints about the planning conditions not being complied with. A Temporary Stop Notice was served on 11 August 2020 in relation to the use of the adjacent land for the storage of vehicles. The vehicles were then removed from this parcel of land whilst the conditions were being discharged.

On 14<sup>th</sup> April 2022, an enforcement notice was served, to cease the use and to remove all the motor vehicles and associated buildings and materials. An appeal has since been lodged against this notice such that it is essentially on hold until the outcome of the appeal.

A number of conditions were imposed on planning permission 19/00674/FUL, which required details to be submitted and approved for landscaping and drainage. These details have been approved under application nos. 19/00674/COND1 to COND3 inclusive. The soft landscaping has been implemented whilst the hard landscaping and

drainage have only been partially completed, with the drainage installed but the Certified type 3 (hard limestone) permeable surface with a plastic paving grid system is still to be provided; and a tarmac surface to be laid where indicated on the site layout plan. In light of the above, a time restricted condition to ensure the implementation of the approved hard landscaping/drainage scheme is recommended should planning permission be granted for the current application.

## SUMMARY OF REPRESENTATIONS

Neighbours have been notified with further notification following an amendment to the description (relating to the height of an acoustic fence). Representations from 7 affected households have been received (which includes an anonymous one) objecting to the proposals. Councillor Rooney, Councillor Hurst and Clive Betts MP have also objected to the proposals. The issues are summarised below:

### Amenity

- Very noisy; noise from vehicles constantly moving; revving of engines; car doors slamming; shouting.
- Whilst in the garden constant noise, conversations, bad language, shouting and banging can be heard all the time.
- Affects time spent relaxing at home.
- Feel overlooked and sometimes uncomfortable.
- Planning permission granted on a temporary basis; numerous problems occurred, such as floodlights shining in bedrooms, tannoy system installed playing loud music, shouting, abusive language, urination and waving
- Bearing in mind previous complaints re noise and objections why was sales cabin, including alarms allowed to be sited further back into site near to residential boundaries, unlike other businesses on Handsworth Road, which are also constructed of brick and not a portable cabin.
- Have reported to planning and councillors on the conduct of tenants along with photographic evidence; police came only to be told to contact highways, DVLA, EPS etc.
- Tenants open and close to suit themselves with unsociable hours late into the evenings; including May Day Bank Holiday.
- Impact on outlook from and overlooking to residential properties on Parsley Hay Gardens.
- Direct views into bedroom windows at a distance of 9 metres and views into rear gardens at a distance of 1 metre and below the recommended minimum of 18 metres.
- Privacy still an issue and adding an acoustic fence will not solve this, aspect from the rear and upper rooms of properties is unacceptable.
- This proposed acoustic fence still exposing the relocated cabin and the rest of the boundary will serve no use to deter the noise from the cabin where most of the disturbance comes from.
- Enjoyment of property and garden is severely compromised.
- Site sits 3 metres above Parsley Hay Gardens with little consideration given to change in levels; ground floor at site is closer to the first floor level of houses, therefore a 1.8m high acoustic fence, when viewed from Parsley Hay Gardens will feel like c.5 metres high; oppressively high, blocking light, harming outlook and creating a claustrophobic effect.
- Development has cause unnecessary and unimaginable stress to residents of



#### Parsley Hay Gardens.

- An acoustic report has been submitted but nothing is mentioned about persistent alarms being triggered at all times, interrupting sleep and enjoyment of residences.
- Background noise study covers a two hour period on a Friday, this is completely insufficient and fails to consider the times of day which residents would normally enjoy the quietest moments; the study should cover a full day both on a weekday and a weekend.
- Justification for position of receptors 1.5m above ground level in properties at Parsley Hay Gardens is completely flawed with justification given that business operates during the day only so only the first floors would not be affected. This does not take account for residents who may do shift work, need sleep upstairs during the day, work from home, or want to enjoy peace and quiet upstairs during the day; not up to business to dictate how residents should use their homes.
- Customers can be clearly seen viewing all cars along with commercial vehicles.
- Conduct of staff and alarms: shouting and foul language by staff reported in the past; what recourse for residents if the application is successful?
- Residents of Parsley Hay Gardens are not care-takers/security for site and should not be burdened by the sound of untimely alarms. Residents should be able to enjoy amenity of own homes without hinderance.
- Previous planting reduced noise levels from jet wash but now a mesh screen which doesn't reduce noise levels; the uses should be considered as a whole.
- The application seeks to extend operation of business into Sundays/Bank Holidays which we object to owing to undue noise and disturbance.
- Customers are free to walk around the site and have visual access to gardens and rear of homes.
- Like living in a car park.
- Staff on the site often cause noise and disturbance when at the back of the cabin which has no acoustic attenuation; fencing should extend behind it.

#### Highways

- Car sales business has affected parking on Handsworth Road, with cars lined on both sides of the road, which affects access to using local amenities.

#### Landscaping

- Storage area land was full of mature trees and shrubs, which in October 2016 were removed without any consultation or planning permission, and then left piled up with other debris, causing an eyesore (NB, this in itself did not require planning permission).
- Tree planting to safeguard privacy has not been carried out.
- Landscaping details including maintenance plan has not been submitted; completely inadequate; neighbours should have ability to comment on it; on a significant slope; not clear what landscaping could provide adequate screening/outlook whilst not be at risk of falling in high winds and heavy rain; should be reviewed by an arboriculturist.
- Original proposal was flawed; not a visual improvement; greenery was lost and the Council did not secure its retention. Planting provided is inadequate and removed trees/shrubs should have been replaced by ones of equal height and maturity; no consideration given to diversity of original plot.
- If this fence is erected can we be assured the Trees/Shrubs between the

acoustic fencing and the boundary will be maintained to a acceptable height of 2.1 metres same as the acoustic fence. Due to the land levels and short gardens we do not wish our light to be diminished and to feel hemmed in.

- The alarm nuisance which the tenants have identified from a unused building on the land which the Environmental Protection Service couldn't identify as a car alarm is still going off on a daily basis, video clips supporting this have been sent to councillor Dianne Hurst.

#### Drainage

- No consideration given to the drainage of the site; the site is nearly entirely tarmacked with no opportunity for natural drainage.
- Not clear where surface water run off will drain to; a sustainable urban drainage solution such as a soakaway should be included.

#### Design

- In 2019, the tenants encroached onto land to the side which is now called a storage area, with temporary permission later granted and to correct an eyesore caused by their own doing.
- Jet wash and car sales not in keeping with either of two brick-built businesses or with amenity of Handsworth village and proximity of residential properties.
- Other businesses conduct business inside their premises and customers are directed towards the front and not the rear of their sites unlike the car lot
- Car sales cabin sited well back behind building line of other businesses in the row, i.e. Wilsons Carpets and Parkgate Mobility.
- Discrepancy in heights of acoustic fence.
- Any acoustic fencing should be aesthetically pleasing and should extend along the entire boundary.

#### General

- Submitted report states that car sales have been operating for several years but fails to mention that objections have been voiced from the very beginning towards both the car sales and jet wash site. Previous objections to all previous applications still apply.
- Storage area is no different to the sales forecourt with no divider denoting each area; vehicles put on land before base complete.
- Consultation with residents of Parsley Hay Gardens has been non-existent; this is contrary to guidance; not been consulted correctly by SCC.
- No limitation is enforced on size of vehicles being sold; type of vehicles being sold on the site is expanding and larger vehicles including transit type vans, flat back trucks and a motor home, which will tower above any screening proposed.
- Rear of site used as car sales not car storage.

#### Comments from Councillor D Hurst

- Reference is made to the objections to the previous applications which were withdrawn prior to going before Members at the committee meeting and officers have since served an enforcement notice with a requirement to cease trading and vacate the site.
- The business has continued to trade, including on weekends, Sundays and Bank

Holidays despite the temporary permission having expired and the enforcement notice having been served.

- The nuisance from cars, staff and customers continues. I met residents with Clive Betts MP on a Sunday before the scheduled planning meeting. From the houses, the cars could be seen close to the boundary fencing. On the highway, on a clear way, a vehicle was parked that had price signs in the window and advertised for sale on the company's website. Other cars have similarly been seen parked there before and since.
- It is also believed that the company use the car park at the old Turf Tavern for overflow parking. Residents and local businesses complain that their excess stock prevents any of their customers from parking in customer spaces and using other local businesses.
- Noise nuisance continues. Residents contacted Environmental Services with logs of regular alarms sounding and a sequent site visit was held at which the officer explained that CCTV records could only prove one instance of the alarm being linked to a car on the site, which had been removed. The alarms, clearly audible, time and date stamped, were not of sufficient duration to constitute a statutory nuisance, which was terribly disappointing.
- Since this time, residents have sent a further 14 videos recording alarms from their bedroom windows. These recordings varied in duration and the alarm was identified and subsequently confirmed by an officer of the SCC and remediation agreed. Residents still had to endure shrill alarms sounding early in the morning on every day of the week including Sundays, Bank Holidays and holy days.
- The clips have been shared with the Antisocial Behaviour Mediation and Resolution Officer of the SCC, who is considering a Community Protection Order, which would provide some measure of relief for the residents of Parsley Hay Gardens.
- The residents have experienced such noise nuisance, intimidation, and lack of peaceful enjoyment of their own homes for many years because of the operation of this business.
- When I first became aware of the enduring nuisance caused by the operation of this business at the planning committee in 2018, I met with residents, determined to work with officers and the business to make a good neighbour. This has failed. The business has no interest in being a good neighbour. They operate a model of do it, then ask for permission and if the outcome doesn't suit, do it any way. Four enforcement actions by SCC officers during this temporary period of operation only underlines this.
- The residents are in despair; shouting at me and crying and their health and wellbeing being affected. They continue to keep logs, report infringements and endure, with tens of emails and videos in addition to those referred to in my previous objection letter for the previous applications withdrawn 4<sup>th</sup> February 2022. One resident is so overwhelmed that they have requested contact details for the Ombudsman.
- Previous businesses who rented the land submitted change of use applications in 2011 and 2013 and ignored conditions and planning regulations, so nuisance land use has resulted in their resistance being low.
- The actual site itself is another, intractable and insurmountable issue. The difference in land levels between is such that any business running on the site will overlook the rear gardens of Parsley Hay Garden properties and enable customers, staff and visitors to look into their bedrooms. Residents have no amenity value in their own homes. They cannot use their bedrooms without having the curtains closed; they cannot have their windows open because of

fumes from vehicles on site entering; they cannot sit out in their gardens because of overlooking; and they cannot allow children into garden because of overhearing swearing from staff on site and witnessing of public urination up against the boundary fence.

- The removal of the mature hedgerow and trees to the rear of the site in order to allow additional sales space removed a visual and acoustic barrier. This was subject to enforcement action but planted whips and shrubs will take more than one generation to equal what was lost. This also has the effect of allowing residents a longer view onto the other side of Handsworth Road.
- Rear gardens of Parsley Hay Gardens are small. This doesn't mean that the residents shouldn't be entitled to a quality of life in their own homes. Noise nuisance, overlooking, vehicle movements and customer intrusion all mean that current and future residents will be subject to an unacceptable and unreasonable level of disruption and intrusion on their quality of life.
- The business is successful but is too large for the current site, which is overdeveloped, which makes it inappropriate for its current location, especially given the differing land levels. The insurmountable difficulty posed by the difference in land levels, combined with the small gardens makes this inappropriate development. It is hoped that it will continue to thrive, but on a different site. Its relocation will allow residents to thrive in their own homes and remove a detrimental impact on other existing local businesses.
- Given the current lack of a five year housing supply it is hoped that future applications for housing and changed designation for this site would be considered.
- A small section of fencing will not provide adequate noise nuisance. It will also dominate the gardens of the properties on Parsley Hay Gardens, overlooking and shutting out light.
- I do not consider the proposed length of fencing adequate for purposes. It is the size of the site, the size of the business on it: the difference in land levels and the small but adequate under normal circumstances gardens to the homes that is the issue. No fencing can change that. The business needs to be encouraged to find a new home elsewhere, this planning application refused and that enforcement enforced. Only then will residents be able to regain the peaceful enjoyment of their own homes without noise nuisance and overlooking.

#### Comments from Councillor M Rooney

- It is clear from discussions with other local elected members local residents that the business has had little or no regard for the comfort, privacy or well-being of their neighbours.
- Increased number of cars, ignoring permitted opening hours, removal of greenery and barriers to noise, alarms persistently going off at all hours amongst other things.
- The tenants have consistently ignored warnings from the planning department and in my view, owing to their conduct, they have forfeited the right to remain on the site.
- Wasn't notified about the amendment but nothing in essence of any significance has changed; the changes are cosmetic and frankly do nothing to address my previous objections.

#### Comments from Clive Betts MP

- Having visited the site and neighbouring properties I have every sympathy and give full support to my constituents and the objections raised for the reasons set out below:
- Parsley Hay Gardens is a quiet cul-de-sac where the houses have been for decades with some residents also been there for as long. The houses have been there much longer than the business. It is unfair to say you have a small garden and that is the problem. Steps need to be taken to ensure that their privacy and quiet enjoyment of their homes is not in any way compromised.
- Vehicles on the grounds of the car showroom are significantly above the level of the houses, with bedrooms of houses being at the same level. What happens, therefore, is not merely the residents look straight onto a car lot only a few yards from the back of their homes, but they have on a regular basis the sales reps from the company and customers coming and looking directly into their homes. This is an intrusive of privacy which simply should not be allowed to happen.
- There is also a noise issue resulting from cars moving around, revving engines, loud talking; customers and sales reps, mobile phones, swearing and using abusive language.
- Residents have also stated that workers are urinating against the fence immediately behind their homes.
- If the business should continue, and I do not really understand why planning permission was given in the first place, because whatever conditions are applied, they will, I suspect, be ignored until enforcement repeatedly happens. I understand that there has already been three enforcement actions taken which gives an indication of the approach this company takes when planning permission is given with conditions.
- If conditions were imposed, the fence should be right the way down and back of the site, not just part way down as currently proposed. It is not reasonable to expect residents there to continue to maintain fences to shield their property from their activity. The fence should be of sufficient height that the residents cannot see the cars or the workers and people cannot see directly into their homes.
- Secondly, the fence should have acoustic qualities. It is not reasonable that people should put up with this given they were there enjoying their gardens before this business arrived. It is hoped that Environmental Health would be asked to specify the quality of the fence and to ensure that the quality is then erected.
- Thirdly, there should be a physical gap between the boundary of constituent's properties and the point at which the cars are actually parked and the business operate. Cars should not be parked right up to the fence.
- Residents have complained that cars regularly park on the road with 'For Sale' signs and prices in their window. One such vehicle was on the road at the time of my site visit one Sunday morning when the business was not supposed to be open. What enforcement action is to be taken to put in place against the business that is regularly flouting the planning conditions about parking and selling vehicles from the road.
- If permission is renewed these conditions must be enforcement absolutely to make sure constituents have a reasonable quality of life. What they are currently having to put up with is unreasonable.

## PLANNING ASSESSMENT

In assessing this application, the main issues to consider are land use policy, effect on residential amenity and highway safety considerations.

## 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 paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), 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 (e.g. Green Belt, risk of flooding, certain heritage assets); 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.

### Land Use Policy

The site lies within a designated Business Area, as defined in the Unitary Development Plan. UDP Policy IB7 permits a variety of uses within such areas, but in this case, a car sales use is defined as a 'Sui Generis Use' and therefore should be considered on its own merits, although it is clearly a commercial business use. The existing car sales premises has been continuously used for such purposes for a number of years and the last planning permission (ref: 19/00674/FUL) was granted 18<sup>th</sup> February 2020, for a temporary period of 2 years. The temporary consent was issued on the basis that there were long-term aspirations for comprehensively developing the wider site and an ongoing car sales lot was not a desired long-term use.

This application seeks to continue using the existing car sales premises including the vehicle storage area. The principle of allowing a car sales use in this location has already been established, by virtue of the existing planning permissions. In deciding the last application, the continued use of land for the sale and display of cars was

considered acceptable, although only on a temporary basis, given the long-term aspirations for the wider site and due to amenity concerns. In considering the use of the additional vehicle storage area it was considered to fall within the same 'Sui Generis' use classification. As the site was set back behind an existing car wash facility, accessible via an existing car sales site and utilising the land for this purpose it was considered to be logical and not an unreasonable request. The principle of allowing the additional storage area was considered acceptable on a temporary basis to allow the impact of the operational business to be properly understood over that time period.

The application has previously been assessed in terms of UDP Policy IB9 'Conditions on development in Industry and Business Areas' in respect of its use, which was considered acceptable on the basis that it would not result in a significant change to the percentage of preferred uses in the area and therefore not prejudice the dominance of preferred uses in the area. However, the application does need to be considered in respect of other provisions of the Policy, specifically part (b) which relates to residential amenity and part (f) which relates to transport issues; both of which are considered later in the report. The Policy is consistent with paragraph 11 of the NPPF in that it is necessary to plan positively to meet development needs and paragraph 119 which requires policies and decisions to promote an effective use of land in meeting the needs for a range of uses.

In considering the current application, there have been no further policy changes which should be taken into account when assessing this application. It is proposed that the site would operate in the same manner with no changes indicated. The applicant is seeking to continue using the site as a car sales lot with additional vehicle storage on a permanent basis. Part of the site has operated as a car sales lot as far back as 2011, although this has not been a continuous use over that time period.

Given that it is proposed to permanently use the site for the above purposes it is relevant to consider the guidance set out in paragraphs 55 and 56 of the NPPF, which relates to the use of planning conditions. Paragraph 55 advises local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 requires planning conditions to be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

Circular 11/95 sets out the guidance in relation to the use of planning conditions and, particular to this application, the use of temporary permissions. Paragraph 109 does permit the use of temporary permissions but the reason for granting a temporary permission can never be that a time-limit is necessary because of the effect of the development on the amenities of the area. Where such objections to a development arise they should, if necessary, be met instead by conditions whose requirements will safeguard the amenities. Where it is not possible to devise such conditions, and if the damage to amenity cannot be mitigated, then the only course open is to refuse permission. These considerations will mean that a temporary permission will normally only be appropriate, as was in this case, when a trial run is needed in order to assess the actual effect of the development on the area.

Paragraph 112 of the Circular provides that a further temporary permission should not normally be granted and that during a trial period it should be clear whether permanent permission or a refusal is the right outcome. Usually, a second temporary permission

will only be justified where highway or redevelopment proposal have been postponed. Temporary consents have been issued on the basis that the site would, in the future, be comprehensively redeveloped and, to address amenity concerns. At present there are no plans to redevelop the site but rather a desire of the applicant to continue using the site as in situ. In light of the above, and the fact that the site has had a lengthy trial period to allow potential redevelopment opportunities and to assess the impact on amenity it is now considered necessary to decide whether to grant a permanent permission or to refuse planning permission.

The development does provide a source of employment, approximately 7 members of staff. Should the proposal not be acceptable, the resultant economic loss and impact on the livelihood of staff will need to be considered. The NPPF, in paragraph 80 requires that planning policies and decisions should help create the conditions in which business can invest, expand and adapt; and 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. In this case, it will be necessary to weigh the benefits of the development against the impact of the development on residential amenity.

### Amenity Issues

UDP Policy IB9 permits new development or changes of use provided that it will not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

This is consistent 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. Paragraph 185 of the NPPF is also relevant and states that “decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site of the wider area to impacts that could arise from the development.”

The site is set within a predominantly commercial environment on this stretch of Handsworth Road, however, there are residential properties immediately at the rear of the site (Parsley Hay Gardens) which are at a lower level and have short gardens abutting the site. A substantial number of objections and concerns have been raised by the residents of these houses over a number of years and as a result of the direct neighbour notification in relation to this application.

### Noise

The proposal seeks to continue using the site for the sale and display of cars, with ancillary vehicle storage. The use generates noise, owing to customers visiting the premises; the movement and cleaning of vehicles, whether it is those which are on display or customer vehicles entering and leaving the site. The background noise levels on Handsworth Road (a dual carriageway) are relatively high owing to traffic and also noise from a hand car wash facility which is adjacent to the site and fronts directly onto Handsworth Road.

Since approximately 2018 there have been consistent complaints received from local



residents in respect of noise and activities taking place on the site; and concern that planning conditions previously imposed were not being complied with, for example in respect of customer parking, hours and days of use, drainage, and landscaping. Appropriate enforcement actions have been carried out to address the planning conditions and advice was given by Council Officers to the applicant and landowner to address outstanding issues. Temporary planning permissions have been issued to allow monitoring of the site to see if the problems persisted.

In respect of the current planning application, concerns have been raised by residents with regard to noise, amongst other issues, and in particular the movement of vehicles, car engines left running, car alarms sounding off, shouting, and talking, including inappropriate language.

At the rear of the site are residential properties (Parsley Hay Gardens) which have very short rear gardens and are set down below the application site, such that their first-floor windows face directly onto the application site. Vehicles for sale take up the majority of the site, with the nearest vehicles being set back only 3 metres from the common boundary with the Parsley Hay Gardens rear curtilages. There is a mix of boundary treatments along this boundary with fencing of varied heights, and trees/shrubs. Trees and shrubs have been planted adjacent to the boundary and it is anticipated that this would develop over time and improve the screening of the site. However, at this present time it is acknowledged that the planting is not yet of sufficient size to fully screen the site. It is understood that the applicant or landowner removed some mature vegetation from this boundary (which would not have needed permission) which has further exposed the commercial activities of the site to the houses behind.

The applicant maintains that the proposed use of the site does not generate significant noise and disturbance. They state that the business operates an appointment system for customers to come and visit the premises having viewed the vehicles online. They state that the vehicle is then relocated within the site in preparation for the customer to view it and potentially to take it for a test drive. The applicant has stated that 90% of enquiries are generated from online enquiries, with appointments made to view the vehicle for sale; and 10% is from 'walk-on' enquiries.

During the week there are 3 sales people operating on the site with up to 3 additional yard staff, thereby dealing with a maximum of 3 customers at any given time. However, on a Sunday there would be only one sales person and yard staff employee, thus, only one customer dealt with, by appointment at any given time. Given that an appointment system is in operation and if for example a typical day would generate 6 sales, this would suggest potentially 6 vehicles moved during the day, with any subsequent movement of vehicles elsewhere within the site to accommodate the relocation.

There is a sales office building which is set away approx. 3 metres from the common boundary with no. 22 Parsley Hay Gardens. The building is occupied by employees and there are visiting members of the public entering and leaving the building.

There will inevitably be some noise and activity generated by customers visiting the site, with discussions taking place inside the sales office building and outside on the forecourt. It is these discussions, as well as employee voices at other times, together with vehicle movement and car engines that are disturbing the residents of Parsley Hay Gardens. Whilst the noises individually may not be significant owing to the relatively high background noise levels, it is the combination of the different noise sources and

regularity at which they occur that is of concern and they take place in very close proximity to the residents of Parsley Hay Gardens and their rear curtilages because there is no buffer strip between the two uses.

Leaving car engines running for a lengthy period can be noisy and creates an unpleasant environment from car exhaust fumes. If this occurs on a regular basis, near to a residential property or its curtilage it would result in harm to the living conditions of the resident of the property affected. It is unclear as to how often this occurs. In light of this fact it is considered that a condition requiring no car engines to be left running other than when moving a vehicle within the site would be an appropriate mechanism for controlling this. An additional condition preventing the storage and/or display of commercial vehicles on the site would also help to address the noise and improve the outlook of the site.

To help mitigate noise from the site, the applicant now proposes to erect a 2.1 metres high acoustic fence along the south-west edge of the designated storage area and car sales forecourt, alongside an existing clay bund, and to the rear of an existing car sales office building. The fence would be close boarded with a pressured pre-treated finish, which would provide longevity and would weather over time to a natural grey timber finish. An existing portable toilet block will be repositioned to the other side of the sales office adjacent to the Wilson Carpets boundary. The fence would help screen the site from a visual point of view, reduce noise levels from within the cabin and outside on the forecourt, and would prevent direct overlooking from the site onto properties on Parsley Hay Gardens.

It is relevant to note that the Environmental Protection Service (EPS) has reviewed the information they hold in respect of this site and has confirmed that they have not received any noise complaints prior to 2018. In recent years, the EPS has been informed of concerns raised by local residents via Councillor Diane Hurst and Clive Betts MP. These have included antisocial behaviour, bad language, excessive construction working hours, and the sounding of car alarms.

The EPS received complaints from local residents in early September 2019 alleging that they were disturbed due to excessive construction noise and working hours on the site, which included resurfacing works and in particular, at weekends. The EPS can take action under the Control of Pollution Act 1974 if contractors at building sites cause excessive noise. As a general rule, where residential occupiers are likely to be affected it is expected that noisy works should only be carried out during the hours of 0730 to 1800 hours, Mondays to Fridays; and 0800 to 1300 hours on Saturdays; with no works which are audible at the site boundary carried on Sundays and Public Holidays.

The incident was investigated and discussed with the management of Motor Gurus and contractors on site. They apologised for any inconvenience and ensured the site and all contractors working within the specified hours. The programme of resurfacing works was completed at the end of September 2019, with no further complaints received in respect of this matter, and no enforcement action was taken.

The EPS received complaints from local residents in early February 2022 alleging that they are disturbed by excessive noise of car alarms being activated, in particular late in the evening, through the night, and at weekends. This was investigated and residents were asked to keep a log of dates, times etc when the noise was audible.

A log was provided with information of 12 disturbances between 17<sup>th</sup> February 2022 and 7<sup>th</sup> March 2022. CCTV footage reviewed by the EPS of the alleged dates and times. Evidence showed that only on one occasion a car alarm was active, which was approx. 0500 hours on 17<sup>th</sup> February 2022 and not on any of the other 11 occasions. This information was discussed with the residents and Councillor Hurst.

Following the above, further complaints of the same were received from residents in April/May 2022 including video evidence. Upon further investigation, Motor Gurus established which alarm was causing the issue, potentially a faulty motion sensor. The alarm is attached to the dormant building located within the footprint of the car wash, however, it is linked to the security system of Motor Gurus.

Motor Gurus have instructed a security firm to upgrade the system to 24 hour monitoring with a direct link to management when the alarm is activated. The security company will also attend the site as far as practically possible. The said alarm will be relocated to the furthest distance away from the residents. The security system will be fitted within a 20min cut off device which is in accordance with current British Standards and The Code of Practice on Noise from Audible Intruder Alarms. This is industry wide practice and is considered satisfactory. No further complaints have been received to date, and no enforcement action has been taken. The EPS are awaiting confirmation from Motor Gurus on completion of the above improvement works.

The applicant has submitted a Noise Assessment which assesses noise from vehicle movements, closing of doors and voices from staff and customers. The assessment has been carried out using an evidence-based approach. The calculations shown in the report shows an increase of 2 dB(A) in ambient noise levels resulting from on-site operations. The report concludes that an increase in ambient noise level of up to 3 dB(A) is not considered to be significant. The EPS has reviewed the document and concur with this statement and considers the report to be satisfactory.

In light of the concerns raised by residents, the noise consultant has recommended the installation of a 2.1 metres high acoustic barrier adjacent to and along the south-western boundary. The proposed barrier offers a reduction of noise from the site by 15 dB(A), which is considered satisfactory. Further documents which, includes an email from the acoustic consultant, and details of the proposed fence and installation guide have been submitted in support of the application have been reviewed and considered acceptable. The proposed measures are considered to be reasonable and practicable and should mitigate any noise from the site, ensuring a satisfactory environment is maintained for residents of Parsley Hay Gardens.

#### Hours of Use

In February 2020, planning permission (19/00674/FUL) was granted for a period of two years, to allow the continued use of the car sales business and the vehicle storage area between the hours of 0800 and 1800 hours, Mondays to Saturdays; and between 1000 hours and 1600 hours, Sundays and Public Holidays for a temporary period of one year. This was as a result of concerns raised by residents of the premises operating beyond the permitted hours and to allow the opportunity to further monitor the site and record any noise nuisance and non-compliance of planning conditions. In coming to this decision, the need to balance the needs of the business and the amenity of the adjacent residents were considered.

The applicant is seeking to continue using the site and, for the same hours and days of use, but on a permanent basis. Letters of objection have been raised from local residents who have stated that the premises have been in use late into the evening, beyond the permitted opening hours, with noise generated as a result of vehicular movements, car engines left running and people chatting and shouting. The permitted hours of use, Mondays to Saturdays are consistent with other local business premises. In respect of opening on Sundays and Public Holidays, this is not considered to be unreasonable on a strategic road, subject to complying with the recommended conditions which are in place to control the development and prevent any form of nuisance from occurring. There is no objection from the EPS with regards to the proposed continued hours and days of use throughout the week.

Given that the residents of Parsley Hay Gardens are particularly vulnerable, as they have short rear gardens it is particularly important to control the development to ensure that the development does not have a detrimental impact on their living conditions. The objections from residents and Councillors demonstrate that there is clearly a considerable concern about the use of the site, with the emphasis being the impact on the nearest affected neighbours. Whilst an acoustic fence will help mitigate any noise from the site and help to screen the activities, there is substantial opposition to the continued use of the site, which is reported to be not operating within the hours permitted.

#### Amenity Conclusion

Having assessed all the issues it is considered that, on balance, the continued use of the full extent of the site for car sales and storage is acceptable in amenity terms with the installation of the acoustic fence as now proposed, which is not something which has been proposed in previous applications. It is acknowledged that the rear gardens of properties on Parsley Hay Gardens have particularly short rear gardens which face directly onto the site but given that it is now proposed to provide a 2.1 metres high acoustic fence along the rear of the site, as recommended in the noise assessment accompanying the application, it is concluded that this would provide a suitable barrier between the residential and commercial use and would provide a satisfactory environment for the existing residents. The acoustic properties and physical barrier would mitigate against any noise and disturbance, and any direct overlooking resulting from the site onto the main private amenity areas of these properties. It would not address overlooking of first floor windows and whilst this is not ideal, the business designation of the application site has to be factored into the assessment. As the car lot operates during daylight hours it is not considered in this instance, to be unreasonable.

The acoustic fence which would be set away from the common boundaries of Parsley Hay Gardens for the majority of its length, along the edge of the vehicle storage area, would screen the site, providing an acceptable outlook from the rear gardens of rear facing properties. The design of the fence has the appearance of a high quality timber garden fence. It is acknowledged that the outlook from the first floor windows of Parsley Hay Gardens will remain relatively unchanged (taking into account the proposed hardsurfacing etc), but again, given the site's designated business area, this is not in itself a reason for resisting the proposal.

It is on this basis that the proposal, on balance, is considered acceptable as the applicant has now proposed suitable mitigation measures to deal with noise and disturbance, removing the current harm caused by the business to existing residents,

and would allow the continued use of the business. As such, the proposal would meet the requirements of UDP Policy IB9 and paragraphs 130 f) and 185 of the NPPF.

## Highway Issues

UDP Policy IB9 states that a site should be adequately served by transport facilities and should provide safe access to the highway network and appropriate off-street parking. This is consistent with paragraph 110 of the NPPF which requires safe and suitable access to the site and for any highway safety issues to be mitigated. It goes on to state in paragraph 111, that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

The current layout of the site was agreed as part of the previous planning permission. The layout of the site is considered to be satisfactory, allowing the movement of vehicles within the site and provides customer parking as required. The running lane within the site has not been tarmacked to date but would form part of the proposed re-surfacing works for the site, which would be conditioned to be carried out or details entered into to secure the works are carried out within a reasonable time period.

Concerns have been raised by objectors in relation to the display of vehicles for sale on the public highway. The extent of the site has been increased, therefore allowing more vehicles to be stored on the site. The applicant has stated that all vehicles are parked on the site. However, it has been observed by others that vehicles for sale have been parked on the highway, which is not acceptable. In respect of any vehicle stored on the highway this would be a matter which is enforced by the Police and the DVLA. It is also relevant to note that it is an offence to park vehicles for sale on the highway under Section 3 of the Clean Neighbourhoods and Environment Act, 2005.

Objector comments also refer to vehicles being parked along the Handsworth Road frontage, blocking the footway, making it difficult for pedestrians to walk past, especially those in wheelchairs or with buggies. It is unclear as to whether any or all of these vehicles relate to the application site, as it is evident that employees of neighbouring uses and visitors to other business premises do park along the Handsworth frontage. Any traffic related offences would be for Parking Services and the Police to deal with and these issues have been referred to them in the past.

On this basis, it is not considered that the proposal would have a detrimental impact in highway terms and as such will accord with the local development plan and the NPPF.

## RESPONSE TO REPRESENTATIONS

The use of inappropriate language and the behaviour of customers are not specifically planning issues, although they do add to the argument that the living conditions of residents are adversely affected due to the activities taking place on the site

Issues relating to floodlights shining in bedrooms, tannoy system installed, and playing loud music are all issues which have previously been addressed and action taken to resolve such issues.

Cars parked on designated car wash site – Vehicles for sale at the premises are valeted at the adjacent car wash site before being sold.

Lack of consultation from applicant – this is not a statutory requirement of the applicant given the scale of development but the applicant is encouraged to liaise with occupants of adjacent properties.

Little information submitted – Satisfactory information has been submitted in support of the application to enable an appropriate assessment, in particular a technical noise assessment.

Consultation – Local residents have been consulted by the Local Planning Authority appropriately and in line with Council guidelines.

Drainage matters – The proposed drainage details for the site have been reviewed by the Lead Local Flood Authority and were approved under application no. 19/00674/COND3.

Planting/Landscaping – The details for the site have been reviewed by the Landscape Officer and were approved under application no. 19/00674/COND2.

## SUMMARY AND RECOMMENDATION

In land use terms, the use of the site for car sales and storage of vehicles is considered acceptable in principle in this commercial location as defined in the Local Development Plan. This is however subject to maintaining a satisfactory living environment for existing residents.

Temporary planning permission has been granted previously for the site, as it was anticipated that the site would be comprehensively redeveloped at some future point. Owing to amenity concerns, it was also considered appropriate to grant permission for a temporary period in order to monitor the site. Given the objections received which highlight issues relating to noise, nuisance, and non-compliance with opening hours, it is evident that the use of the premises, as it operates at the moment, is impacting on the amenities of existing residents of Parsley Hay Gardens.

The imposition of planning conditions has not been effective to control the use of the site and prevent harm to the existing residents. This has largely been due to the lack of separation and the lack of any kind of significant buffer between the use and residential gardens, together with the land level differences between the two.

In order to address this issue specifically, this latest application was supported by a noise survey and, as a result, the applicant now proposes to erect a 2.1 metres high acoustic fence along the south-western edge of the site. This is specifically designed to address the concerns relating to noise and disturbance as well as to provide a suitable visual screen (with the appearance of an attractive timber garden fence) beyond an existing planting strip (which over time will become established).

The continued use of the site does not raise significant highway concerns, provided that the layout of the site is maintained in accordance with the approved plans. This is secured via condition.

The proposed permanent use of the site as a car sales area with ancillary vehicle storage is considered acceptable. The business would operate on days / hours which are similar to other nearby business premises and with an appropriate acoustic barrier

to the site. The technical noise report accompanying the application demonstrates that this will achieve a satisfactory living environment for residents of neighbouring properties. The Environmental Protection Service has confirmed that they are satisfied with the findings of the report and with the proposed acoustic attenuation measures, subject to conditions being imposed to control the hours of use.

For the reasons outlined in the report, it is considered that the proposal would comply with UDP Policies IB7 and IB9 and paragraphs 130 f) and 185 of the NPPF.

On this basis, the planning application is recommended for approval subject to the listed conditions.

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Case Number	22/00723/FUL (Formerly PP-11046938)
Application Type	Full Planning Application
Proposal	Erection of 13x flats and 3x retail units (Use Class E) with associated cycle parking and landscaping
Location	Land at junction with Cobden View Road Northfield Road Sheffield 10 1QQ
Date Received	21/02/2022
Team	North
Applicant/Agent	JR 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 which were published on 21st February 2022:

27543 A (00)01 Rev P2 Location Plan (showing the redline boundary)  
27543 A (01)02 Rev P10 Proposed Site Layout / Roof Plan  
27543 A (02)01 Rev P8 Proposed LG and GF Plans  
27543 A (02)02 Rev P9 Proposed 1F and 2F Plans  
27543 A (04)01 Rev P10 Proposed Elevations - Sheet 1  
27543 A (04)02 Rev P8 Proposed Elevations - Sheet 2  
27543 A (04)03 Rev P8 Proposed Elevations - Sheet 3

Reason: In order to define the permission.

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

3. No development shall commence until detailed proposals for surface water disposal, including calculations have been submitted to and approved in writing

by the Local Planning Authority. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 3l/s. An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site.

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

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. 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.

7. 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.

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

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

9. Before any work on site commences a walkover of the site shall be undertaken by a qualified ecologist to ensure that the development would not disturb any nesting birds or other wildlife which may have moved onto the site. The findings of the walkover shall be submitted in writing to the Local Planning Authority and any necessary mitigation works carried out.

Reason: In the interest of nature conservation. It is imperative that this condition is complied with before works commence on site.

10. Before the development is occupied the detailed lifetime management arrangements for the drainage system shall be submitted to and approved in writing by the Local Planning Authority. These arrangements shall demonstrate that there is in place a legally binding arrangement for the life time management of the drainage system including funding source/s. This shall include operation and maintenance manuals for regular and intermittent activities and as-built drawings.

Reason: To ensure satisfactory drainage arrangements are provided to serve the site in accordance with the National Planning Policy Framework it is essential for this agreement to be in place before the use commences.

11. 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.

12. 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.

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

13. Notwithstanding the approved plans and the proposed use of part of the building as Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), should the Class E unit(s) be used for serving food then they shall serve only beverages, cold food and such hot food as may be prepared using only a toaster, sandwich toaster, microwave, jacket potato cooker and bain marie). No intensification of cooking facilities shall occur.

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

14. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

15. 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.

16. 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.

17. 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.

18. 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:

Shop fronts, including security shutters and housing, and fascia boards  
Windows (including heads and cills)  
Doors (including heads and cills)  
Entrance canopies  
Rainwater goods  
Rooflights  
Eaves and verges  
Bin store  
Cycle store

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

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

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

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

20. 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: Noise Rating Curve NR25 (2300 to 0700 hours);

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

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

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

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

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

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

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

21. 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.

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

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

23. Notwithstanding the submitted plans, before the development commences, or in accordance with an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of 16 bicycle parking spaces (secure and sheltered) for the residential element of the development, and two spaces each

for the commercial units (possibly located internally within each unit) shall have been submitted to and approved in writing by the Local Planning Authority, and provided in accordance with the approved details prior to occupation of the development. The parking shall be retained/maintained thereafter 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 Core Strategy.

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

a) been carried out; or

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

Highways Improvements:

- i) Promotion of a traffic regulation order restricting loading at all times for a section of the Northfield Road site frontage, all subject to usual procedures, and provision of road markings and signage as necessary;
- ii) Resurfacing the footway across the site frontage;
- iii) Removal of handrail from the Northfield Road frontage;
- iv) Any accommodation works to telegraph poles and wires, street lighting, statutory undertakers equipment and general street furniture deemed necessary as a consequence of the development.

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.

25. 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.

26. No excavation for the foundations shall take place until Approval in Principle (AIP) identifying support to the public highway during excavation, and continued support thereafter by the structure of the building has been submitted to and approved in writing by the Local Planning Authority. As a minimum, the AIP submission shall include: i) Excavation method statement and method of maintaining highway support during the excavation process; ii) Proof of structural integrity of the buildings foundations/walls to be able to support the public highway, including calculations, drawings, cross-sections. The development shall

be carried out only in accordance with the approved AIP.

Reason: In the interests of highway safety.

27. 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.

28. 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.

29. 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/timetable 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.

30. Prior to the commencement of development a report shall be submitted for approval by the Local Planning Authority setting out how biodiversity will be enhanced and ensuring that there is 'no net loss'. The following will all need to be considered and set out in a Ecological Enhancements plan or similar.

- Green / brown roofs and green 'living' walls where design permits
- Native species landscaping / planting
- Bird boxes: at least 2x swift box and 2x house sparrow terrace.
- Bat boxes: at least 2x discreet 'brick' or 'tile' type boxes to be incorporated in the fabric of the building.
- Offsite BNG contribution to compensate for habitat losses. The nearby Bole Hill Local Wildlife Site would be appropriate.

Once agreed the approved measures shall be implemented and thereafter maintained.

Reason: In the interest of biodiversity.

### **Other Compliance Conditions**

31. No doors or windows shall, when open, project over the adjoining footway.



Reason: In the interests of pedestrian safety.

32. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2300 on Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

33. The public facing facades of the building shall be finished in natural stone with a slate roof.

Reason: To ensure an appropriate quality of development.

34. The corridor windows on the elevation C-C of the building facing east 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.

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

35. 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.

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

Reason: To ensure satisfactory drainage arrangements.

Attention is Drawn to the Following Directives:

1. 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.
2. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority
3. Applicants seeking to discharge planning conditions relating to the investigation, assessment and remediation/mitigation of potential or confirmed land contamination, including soils contamination and/or ground gases, should refer to

the following resources;

- Land Contamination Risk Management (LCRM; EA 2020) published at; <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>;

- Sheffield City Council's, Environmental Protection Service; 'Supporting Guidance' issued for persons dealing with land affected by contamination, published at; <https://www.sheffield.gov.uk/content/sheffield/home/pollution-nuisance/contaminated-land-site-investigation.html>.

4. 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](mailto:eps.commercial@sheffield.gov.uk).

5. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
6. The applicant is advised that 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](mailto:hello@superfastsouthyorkshire.co.uk)

7. As the proposed development will involve the closing/diversion of a public path(s) you are advised to contact the Highway Records team as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the path(s) under Section 257 of the Town and Country Planning Act 1990. This process can take several months to complete.

Principal Engineer, Highway Records  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6301 or 273 6125  
Email: [highwayrecords@sheffield.gov.uk](mailto:highwayrecords@sheffield.gov.uk)

8. 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](mailto:james.burdett@sheffield.gov.uk)

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

To arrange the dilapidation survey, you should contact:

## Highway Co-Ordination

Telephone: 0114 273 6677

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

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

Telephone: 0114 273 6677

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

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

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

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

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

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

12. To progress the Approval in Principle process, the applicant is advised to contact [hmdstructures@sheffield.gov.uk](mailto:hmdstructures@sheffield.gov.uk) at the earliest opportunity.

13. The developer's attention is drawn to:

(i) Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970, as amended; and

(ii) the code of Practice for Access of the Disabled to Buildings (British Standards Institution code of practice BS 8300) or any prescribed document replacing that code.

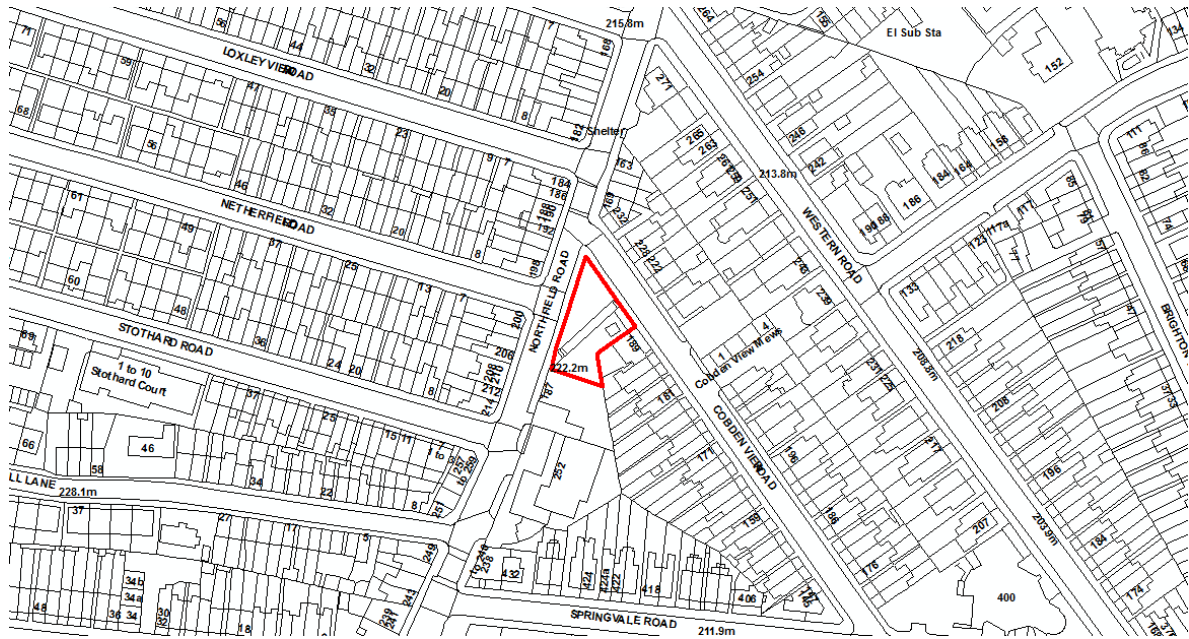
Section 4 sets requirements for access to, and facilities at, premises. Section 7 requires a notice or sign to be displayed, indicating that provision is made for the disabled.

If you require any further information please contact Brian Messider or Simon Ovendon on Sheffield 2734197.

14. The applicant is advised that this consent does not permit the display of

advertisements on the building. This may be subject to separate advertisement consent. You are advised to contact the local planning authority to seek confirmation.

# Site Location



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## LOCATION AND PROPOSAL

The application relates to a triangular piece of land located at the junction of Northfield Road and Cobden View Road. The site is currently vacant and fenced off; having previously been the site of three large advertisement hoardings and informal green space (with grass and shrubs). The land falls away to the east, with properties on Cobden View Road set at a significantly lower level.

Adjacent to the site on Northfield Road is a two-storey building with retail premises on the ground floor. On the opposite side of the street are a mixture of two-storey stone terraced shops and dwellings.

Properties on Cobden View Road which slopes down from the junction are traditional stone semi-detached and terrace properties. These are two-storeys in height often with accommodation in the roof space.

Planning permission is sought for the erection of a two/three-storey building. The building would be stepped to follow the topography and would be largely constructed from natural stone with a slate roof.

On the ground floor, fronting onto Northfield Road, three retail units are proposed and on the floors above would be eight apartments, these would be a mixture of one and two bedroomed properties and one, one bedroomed open plan 'studio'. The part of the building fronting onto Cobden View Road would contain a further five apartments. These would again be a mixture of one and two bedroomed apartments and two, one-bedroomed open plan 'studios'. The development would have thirteen flats in total.

To the rear of the development a courtyard area would be created which would be landscaped to provide a communal garden area.

The development would not have any off-street parking; however a secure cycle store for the residents would be provided.

The site is identified on the Unitary Development Plan Proposals Map as being within a District Shopping Centre. A small part of the site, adjacent to the boundary of properties on Cobden View Road is also shown to be within a Housing Area.

## RELEVANT PLANNING HISTORY

Planning permission has previously been sought for the erection of a mixed use development comprising three commercial units (use classes A1-A3) and 18 residential units (use class C3) in a 3/4 storey block and associated works under application reference 20/01651/FUL. This received a significant level of local opposition and officers were not satisfied with the scheme. The application was withdrawn in September 2020.

Following on from that a revised application was submitted for the erection of a mixed use development comprising 3 no. commercial units (Use Class E) and 14 no. residential apartments (Use Class C3) in a 2/3 storey block and associated works. Application 21/02711/FUL refers. Again this application was not considered by officers to be satisfactory and so the application was withdrawn.

## SUMMARY OF REPRESENTATIONS

115 representations have been received (some households have submitted more than 1 representation, hence the number of parties objecting and in support being different to the total number of representations received).

2 representations are in support of the development (a third representation in support was revoked, with the author changing their mind once they had seen the level of local objection and points raised).

102 interested parties have submitted representations objecting to the development. This includes an objection from Olivia Blake MP, Cllr Ruth Milsom and former Cllr John Hesketh.

Olivia Blake, MP raises the following points:

- This plot of land had long been used and tended to by local churches, families, voluntary organisations and the wider community as the site of the Cobden View community garden, a much-loved green space with a long-established public right of way. The local community maintained this site, planting bulbs and wildflowers and developing it as a safe haven for local wildlife.
- The covid-19 pandemic has highlighted to all of us the importance of accessible green spaces. Sheffield City Council's Green and Open Spaces Strategy (2010-2030) sets out a vision for our city to ensure that 'every area of the city has green and open spaces of exceptional quality for all'; key to this strategy's success is ensuring the protection and preservation of existing spaces.
- Crookes is a well built-up urban area, which makes the survival of the few pockets of greenery, like this site, all the more important.
- The development will result in the loss of all existing habitats on site and the developer has already cleared the site of trees.
- The development would not be in keeping with the local area, seeking to greatly overdevelop a site with little concern for space standards, or the impact on would-be residents or their neighbours.
- The development would tower over neighbouring properties on Cobden View Road, blocking light to several houses and intruding on their right to privacy.
- The 13 new residences and three new retail units will greatly increase traffic and parking difficulties in the surrounding area.
- Crookes high street is already a very busy road and one that many children cross to and from Westways School. The cars this proposal will bring will only exacerbate this issue.
- The developer has chosen not to consider where 13 apartments worth of cars would park. This speaks to a lack of consideration for both current and potential future residents.



- The development comprises traffic safety by limiting visibility on a very busy corner. By obscuring the junction for drivers turning left onto Northfield Road from Cobden View Road it will make this junction even more dangerous for both pedestrians and road users.
- The developer has shown no regard for local residents.

Cllr Ruth Milsom has raised the following points:

- The development falls below the minimum space standards with 7 of the 13 apartments falling below the recommended space standards.
- The site has been tended as a community garden for many years. Allowing this corner of previously cultivated open space to be swallowed up by further development would be a retrograde step in terms of air quality, ecology and biodiversity, and visual amenity. It would materially alter the character of the area. The undeveloped site should be considered as providing "leisure, health and other community facilities"
- The submitted statements are inaccurate.
- The modern development would be out of keeping with the neighbouring surroundings.
- Private vehicle parking is a known problem on Cobden View Road and nearby residential streets. Furthermore, this stretch of Northfield Road has parking restrictions and a bus stop, preventing parking. Residents are rightly concerned that a development that does not include off-road parking spaces will result in even more pressure on street parking where residents are already often not able to park near their own house.
- The proposed development caters for only 12 cycles. This is insufficient for the number of dwellings and retail premises.
- The development would be hazardous to highway safety, in particular vehicles servicing the commercial premises.
- The developer has had little regard for due process, removing trees in the bird nesting season and prior to submitting a planning application.
- The proposal is an overdevelopment of the site

Representations from local residents raise the following issues:

- The logistics for deliveries and waste disposal have not been properly thought through.
- The development would have no car parking and the level of cycle parking indicated (12 spaces) would not be adequate.

- The development would obscure site lines, being at a junction where there is an acute angle, and would be hazardous to safety.
- There are already parking problems in the area, particularly in the evenings, and this development would make things worse.
- There is a bus stop which may be blocked and delivery vehicle servicing the commercial units would also block the road.
- A public right of way crosses the site. This cannot be used since the developer blocked it off (in 2020).
- The development would be hazardous for pedestrians, particularly school children and the elderly.
- The developer has felled trees on the site and made it look unsightly. This should not be a reason to approve the scheme. The site had considerable amenity value when it was used as a community garden.
- The development would not be in keeping with the area.
- Crookes does not have sufficient capacity to receive gigabit broadband. Will the developers be expected to provide this? If not the development would fall foul of the building regulations.
- The development would result in overshadowing and loss of light to neighbouring properties, being at a significantly higher level than neighbouring property.
- The apartments are very small and too much is trying to be squeezed onto the site. Family housing is what is required in the area, not small studio bedsits.
- The proposal would result in overlooking and a loss of privacy.
- There is no need for further retail premises as the turnover of existing units is high. The development would be harmful to the viability of the shopping centre.
- Occupiers of the development would have little in the way of external amenity space and this would be greatly overshadowed.
- The development would result in the loss of a green space which is valued by the local community. The site should be a village green.
- The development would be harmful to wildlife.
- The development would be detrimental to air quality.
- The site has been used a quarry (a long time ago) and the validity of the ground investigation report is questioned.
- There is no disabled access to the flats with the development having no lift.

- The site provides a break between the surrounding built up areas and provides space and light and also opens up the vista towards the city.
- The proposed opening hours of the shops 7.00 to 23.00 to include Saturday, Sunday/Bank holidays will have an adverse impact on neighbours & residents.
- Neighbours will be disturbed by users of the gated path (to gain access to the rear of the development).
- There is no provision for recyclable waste.
- Flat roofs could be used for unauthorised balconies or recreation space.
- The nesting bird check is out of date. It is imperative that all wildlife appraisals are conducted thoroughly before any further work is carried out on this site.
- The area already has a lot of HMO's (Houses in Multiple Occupation).
- The commercial unit on the corner (unit 1) would have dual aspect and would bring commercial development on to Cobden View Road.
- The development would put extra pressure on already oversubscribed doctors surgeries.
- The value and benefit of the community garden far outweighs any need for flats and retail units in an already dense area of housing.
- The development would result in significant disruption during construction works.
- The development would have a negative effect upon house prices.
- The development would result in a loss of view.
- The application forms have been completed incorrectly and are misleading.
- The development will be far from carbon neutral and does not include any sustainability measures.
- The representations in support of the scheme set out that the following:
  - The site was bought fairly by the developer.
  - The site is not as well used as has been claimed.
  - The steps / public footpath across the site can get slippery.
  - The development would provide much needed housing.
  - There is a large park only a few 100 metres away.
  - The proposed development is well designed and would bring about benefits to the area.

## PLANNING ASSESSMENT

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

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised most recently in July 2021 (the NPPF) is also a material consideration.

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

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

This is referred to as the "tilted balance".

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

The Council's revised 5-Year Housing Land Supply Monitoring Report, released in August 2021, includes a 35% uplift that must be applied to the 20 largest cities and urban centres in the UK, including Sheffield. The monitoring report 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 supply of housing land. As the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites the tilted balance will come into play.

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

### Principle of Development

The site is identified on the Unitary Development Plan Proposals Map as being within a District Shopping Centre. UDP Policy S4 (District Shopping Centres) sets out that within

such areas retail development will be promoted.

Policy S7 (Development in District Shopping Centres) sets out that shops are the preferred use and housing is an acceptable use.

These policies are consistent with the NPPF which sets out at paragraph 86 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 state (at bullet point f) that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

The proposed development would see the creation of three commercial units on the ground floor within an existing district shopping centre. The development would not detract from the vitality or viability of the shopping centre. End users are not known at this time.

It is considered that in principle the development would accord with the UDP and NPPF and the proposed mixed-use development is supported.

The plans indicate that a small portion of the site along the eastern boundary of the site is within a Housing Area. This is possibly a drafting error (as the extent of the housing area designation follows the site boundary but set in slightly). In any case, the part of the development that would be within the housing area is proposed to be developed with residential properties that front onto Cobden View Road and the communal garden area.

UDP Policy H10 sets out that within Housing Areas housing is the preferred use and small shops are an acceptable use.

### Open Space Issues

The site is not identified on the Unitary Development Plan Proposals Map as being 'open space'. The site is in private ownership and has been fenced off, preventing access for recreation purposes. The site has also been cleared of trees and shrubs. The owner of the land is able to do this without needing any permission.

The site is not publicly accessible, does not have a recreation function and is not allocated as open space in the adopted Local Plan, therefore it is not considered to be open space. Nevertheless, for completeness, consideration has been given to the relevant open space policy.

Policy CS47 of the Core Strategy seeks to safeguard open space. This policy sets out at bullet point (b) that development of open space will not be permitted if the open space is of high quality or of heritage, landscape or ecological value.

Ecology will be dealt with in more detail later in this report. The development would not result in a loss of open space that is of high quality in terms of heritage or landscape.

CS47 (c) seeks to safeguard open space that is well valued or used by the local community. There is clearly value attached to the land by sections of the community, which is clear from the significant opposition to its development.

However, given that the site is not publicly accessible and does not therefore have a recreation function, it is not considered to be open space.

In light of the above, a refusal of the proposal on open space grounds would be difficult to justify, particularly with the tilted balance in play due to the lack of five year supply of housing, which is dealt with below.

### Housing Supply

As set out previously, the NPPF requires local authorities to identify a 5 year supply of specific 'deliverable' sites for housing with an additional 5% buffer (paragraph 74).

In addition, Policy CS22 - Scale for the Requirement for New Housing of the Sheffield Development Framework Core Strategy (CS), sets out Sheffield's housing targets until 2026.

In relation to Sheffield's current housing land supply position, latest monitoring shows that there is a 4-year supply of housing sites.

Paragraph 69 of the revised NPPF 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'.

Policy CS24 seeks to prioritise the redevelopment of previously developed sites and sets out that not more than 12% of dwellings should be erected on greenfield land in the period between 2004/05 and 2025/26. This policy describes where housing on greenfield sites will be developed which includes on small sites within the existing urban areas where it can be justified on sustainability grounds. Policy CS24 is in conformity with the NPPF.

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

The site has previously housed three large hoardings, an expanse of grass and a small planted area, which was tended by local residents. It is understood that trees were also on the site but these have since been removed. The site has been fenced off and is overgrown but is still considered to be greenfield land.

The site is within a District Shopping centre close to local shops and services on Northfield Road and is on a bus route. As such the location is considered to be sustainable. The proposed development of this greenfield site would not result in the 12% criteria in CS24 being exceeded and so complies with Core Strategy Policy CS24.

### Density

Core Strategy Policy CS26 relates to the efficient use of housing land and accessibility

states that housing development will be required to make efficient use of land but the density of new developments should be in keeping with the character of the area and support the development of sustainable balanced communities.

Within district centres such as this the policy sets a density range of 50-80 dwellings per hectare. It also states that density outside these ranges will be allowed where it achieves good design, reflects the character of an area, or protects a sensitive area. Core Strategy Policy CS26 is largely consistent with the NPPF which seek to make effective use of land (although the NPPF does not give density ranges) and has significant weight.

The submitted plans seek to develop the site with 13 apartments. The density of development would be high (equating to 238 dwellings per hectare); however, the site is within a sustainable location with shops and services on the doorstep and also on main public transport routes.

Para 124 of the NPPF sets out that planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services –both existing and proposed –as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

The proposal would achieve an efficient use of land and would make a positive contribution to the supply of housing.

It is considered that in principle the development of the site for this mixed use development, including housing would accord with Core Strategy Policy CS22 and CS24 as well as paragraph 69, 74 and 124 of the revised NPPF.

#### Affect Upon Character and Appearance

UDP Policy BE5 (Building Design) and S10 (Conditions on Development in Shopping Areas) set out the key considerations with regards to design and development. These policies state that development should be well designed and of a scale and nature that is appropriate to the site.

Core Strategy Policy CS74 states that high quality development will be expected which respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods.

Paragraph 130 of the revised NPPF sets out that decision should ensure that development 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; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment

and landscape setting, while not preventing or discouraging appropriate innovation or change.

The local and national policies are aligned and so the local policies can be afforded significant weight.

The site is located on a prominent corner where Cobden View Road meets Northfield Road.

The site is surrounded by largely stone fronted two storey properties, many of which have accommodation within the roof space with dormers facing the highway.

The proposed building would be of a similar scale to neighbouring properties and would be stepped to follow the sloping nature of the land. Along Cobden View Road the building would be set back slightly to follow the existing building line with a small front yard area, enclosed by a low stone wall. This part of the building would have bay windows in a nod to the neighbouring Victorian terraced properties.

The part of the building that fronts onto Northfield Road would be constructed to abut the back edge of the pavement, again continuing the existing building line.

The parts of the development in the public domain would be finished in natural stone with a slate roof. Windows and doors would have stone heads and cills. It is considered that these materials are appropriate. To the internal courtyard area the development would have a buff brick and charred timber cladding finish. These materials are also considered to be acceptable.

The development includes a separate bin store for the residential and commercial units, located within the development. The commercial bin store is within the building and accessed from Northfield Road and the residential store is within the lower ground floor of the building, accessed from Cobden View Road. The inclusion of the bin stores within the building is of benefit in terms of the effect the development would have upon the street scene.

It is considered that the scale of development is appropriate and the detailed design would not be harmful to the visual amenity of the area, indeed the development would bring about improvements to the appearance of the site. As such the development would accord with policies BE5, S10 and CS74 as well as paragraph 130 of the NPPF.

#### Impact Upon Residential Amenity

Policy S10 (Conditions on Development in Shopping Areas) expects new development to not cause residents or visitors to suffer from unacceptable living conditions.

UDP Policy H5 (Flats, bed-sitters and shared housing) expects the design of new housing developments to provide adequate living conditions for occupants of the accommodation and their immediate neighbours.

Paragraph 130 (f) of the revised NPPF sets out that development should ensure a high standard of amenity for existing and future users.

The submitted plans indicate that in total 13 flats would be created. 8 would be on the



two floors above the commercial units facing onto Northfield Road and 5 would be in the part of the development that fronts onto Cobden View Road. This is a reduction in the number of units from the previously submitted schemes.

All habitable rooms within the development would have a window. These would look onto Cobden View Road or Northfield Road. On Cobden View Road there would be a separation of 17.5m between the development and properties on the opposite side of the street and on Northfield Road this distance would be 13.5m, again across the public street. This is commensurate with the separation distance of existing properties along both streets and so it is considered that, on balance the proposal would not result in unacceptable overlooking and a refusal on this basis cannot be justified.

The rear of the building on Northfield Road would provide a flat roofed 'block' giving corridor access to each of the apartments. This would have some glazing; however this would be obscure glazed to prevent overlooking to the rear gardens of properties on Cobden View Road or to the rear of the apartments that would face Cobden View Road within this proposed development. Some of the properties fronting Cobden View Road would have windows on the rear elevation which would look onto the proposed communal garden area and entrance to the cycle store, thereby providing a degree of surveillance.

The development would follow the existing building lines and would not breach the '45 degree rule' as set out under Guideline 5 of the Council's SPG on Designing House Extensions. It is considered that the development would not result in excessive overshadowing or loss of light to neighbouring dwellings.

In terms of the effect the development would have upon existing occupiers of neighbouring properties it is considered that the development would accord with UDP Policy S10, H5 and paragraph 130 of the NPPF.

To prevent occupiers of the development suffering disamenity from noise from the highway as well as the commercial units it is recommended that conditions be imposed.

Enhanced sound insulation is likely to be needed to meet the Council's standard noise level requirements. No noise assessment has been submitted with this application and so this should be secured by condition.

In addition conditions are suggested which restrict the hours of use for the commercial premises as well as delivery times.

The applicant has set out in their planning statement that "...the proposed commercial usage would not include the sale of any hot food for consumption on or off the premises". This is welcome as it removes the likelihood of dis-amenity to residents due to noise and odour. A condition to limit the type of food, that may be sold is recommended.

Although there is no intention to sell hot food, other uses within this class are likely to need external plant. This could include, for example, condenser units needed for air conditioning, refrigeration and freezers. These should be sited carefully to prevent dis-amenity due to noise. A further condition is therefore proposed requiring detail of any externally mounted plant and equipment to be submitted to the Local Planning Authority for approval prior to installation.

As already mentioned the development would have a communal garden to the rear, for use by all of the residents. Two of the ground floor flats facing onto Cobden View Road would also have a small front yard / garden area.

Some of the proposed flats are small. The National Space Standard recommend a minimum of 39sqm to be provided for a one-bedroomed flat and 61sqm for a two-bedroomed flat. The sizes proposed raise between 41sqm for the smallest studio apartment to 68sqm for the largest two bedroomed lower ground floor unit (this would also benefit from the yard area to the front of the development). It is considered that on balance, subject to conditions adequate living condition can be provided for occupiers of the development. In this respect the development would accord with UDP Policy S10, H5 and paragraph 130 of the NPPF.

### Highways Considerations

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

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

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 development proposes thirteen flats and three commercial units. The thirteen flats would consist of three studio apartments, 3 apartments with one bedroom, and seven apartments with two bedrooms. No car parking accommodation is proposed. Twelve bicycle parking spaces are indicated on the submitted plans. Servicing for the commercial units would take place from on-street.

A high degree of objection to the proposal has been received online. Without repeating identical points, the thrust of the concern is as follows:

- Concern that the 13 flats with no dedicated car parking accommodation will exacerbate existing on-street car parking problems locally.
- Northfield Road is a heavily trafficked classified road that ultimately leads to the city centre. Cobden View Road also carries high volumes of traffic.

- Highway capacity is a concern in the vicinity of the development site.
- The impact of the development on the surrounding roads in terms of congestion, parking and vehicle movements is of material concern to residents.
- The suggestion from the planning consultant that the development will not increase car use is unfounded.
- There are many multiple car ownership households in Crookes.
- The proposed travel plan co-ordinator will have no powers to ensure the 30-odd new residents will not have cars.
- Claiming the development is in a sustainable location with regard transport options and local amenities, and is therefore unlikely to generate much in the way of car parking demand has not been evidenced. There is already a substantial car parking problem in the neighbourhood.
- Commercial Class E use does not just cover retail shops. Other possible end users could be banks, cafes, restaurants, office, light industry, health services, and fitness/gym. These uses (just as for the flats) could add to parking pressures within the community. The associated on-street servicing is likely to cause highway capacity issues.
- Claims that commercial unit staff/employees are likely to live locally and therefore would not commute by car is unfounded.
- A survey undertaken by an objector of traders in the Crookes shopping centre showed 65% of staff did not live locally and did not arrive to work by cycling or walking.
- Highway capacity is a concern. Already, deliveries are a problem in Crookes shopping centre, which is mainly linear and carries a lot of through traffic and high frequency bus services. Stock arrives by lorry/van, sometimes double parked, causing bottlenecks and congestion. Servicing for the 3 additional commercial units will further compromise free-flow traffic conditions
- The stretch of Northfield Road outside the development site where the servicing would take place is the narrowest section. There's a nearby bus stop (boarding/alighting) which sometimes impedes through traffic. The additional on-street servicing will add to congestion owing to the lack of highway capacity.
- From a highways perspective, the granting of planning permission would contradict NPPF by creating an unacceptable impact on road safety, and the residual cumulative impacts on the road network would be severe.
- The development needs more bicycle parking provision. Only 12 spaces for 13 flats, seven of which have 2 bedrooms. What about cycle parking for staff of the commercial units and visitors? More cycle parking is required.

- The extension of the no waiting at any time into Cobden View Road to allow for refuse collection will further add to parking problems
- The footpath that crosses the site is/was well used.
- Concern that the footprint of the newbuild will impede visibility at a busy junction to the detriment of road safety.
- There would be considerable disruption and additional traffic during construction.
- The submitted travel plan is unconvincing.
- Residents are already not able to park their cars near their houses. If the planning application is approved, matters will be made worse.
- The proposed in-built bicycle parking for 12 bikes is inadequate. If the applicant's argument is to be believed that residents of the flats and staff of the commercial units will not use cars, secure and covered bicycle parking accommodation should be provided for all the occupants of the flats and staff of the commercial units.
- Concerns about how safely deliveries can be made to the commercial units from Northfield Road owing to the restricted width of the road, a nearby bus stop, and close proximity of the busy Cobden View Road junction.
- No storage for bikes with trailers is shown.
- Even folk who walk, cycle, and catch a bus most of the time still own a car and park on-street most of the time, sometimes using it for shopping and trips out to the countryside. It's mischievous for the travel plan to suggest the development won't attract cars.
- Not many people in Crookes cycle to work because the hills are too steep.

Responding to the above, the area surrounding the development site does indeed experience a high degree of on-street car parking. However, to suggest there are many multiple car ownership households in the neighbourhood isn't reflected by census output data for Crookes in 2011 (the most recent data available). This data reveals 17,700 residents lived in Crookes at the time, in 7,266 households. Of these, 1740 households had no cars or vans; 3382 households had one car or van; 1757 households had two cars or vans; 297 households had three cars or vans; and 90 households had four or more cars or vans. So, in the year 2011, 2063 households out of 7266 households were multiple car or van owners (29%).

Six of the flats would be studio or one-bedroom. Seven of the flats would have two-bedrooms. The residential element of the development seems to be aimed at the rental/first-time buyer market, where car ownership profiles tend not to be the highest. If residents want to live somewhere and not own a car, Crookes is the ideal location, with excellent bus services and amenities all within easy walking distance.

The travel plan submitted with this planning application has been questioned by some objectors, with suggestions it will be powerless to prevent an influx of cars. As it stands,

the number of residential units proposed within the development is way below the trigger of 80 units that requires a travel plan to be operated. The fact the developer proposes to appoint a travel plan co-ordinator in an effort to reduce car usage and ownership is to be welcomed.

Although Crookes is hilly, with electric bikes becoming ever more prevalent, hills are becoming much less of a barrier to cycling. If anything, the modal share of cycling to work looks set to increase in forthcoming years. Officers agree there should be more cycle parking accommodation within the actual development, for residents and staff of the commercial units (secure and sheltered). This can be dealt with by planning condition.

The proposal may lead to some small increase in on-street parking and this could displace parking for existing residents. However, with on-street parking there are no guarantees how far away you may end up parking. The development may generate a degree of car parking demand, but 13 new households and 3 small commercial units added to the 17,700 households in Crookes suggests that with a bit of shuffling around, it can be absorbed within the locality.

Concern is raised through representations that the additional on-street car parking will diminish highway safety, particularly at the junction of Cobden View Road with Northfield Road, that the development will reduce/obstruct sightlines at the junction, and that there isn't the highway capacity to safely enable servicing the 3 commercial units owing to the restricted carriageway width and a bus stop location.

There have been no personal injury accidents recorded at this junction over the past five years, or across the development site frontage. Two slight injuries were recorded at the nearby Loxley View Road junction, but not Cobden View Road. Existing sightlines in both directions from Cobden View Road, 2.4 metres back from the give-way marking, exceed 45 metres (all contained within the public highway). The development proposal doesn't encroach into the public highway, so sightlines more than accord with national standards. There are parking restrictions in the vicinity of the junction, preventing parked cars from compromising highway safety.

With regard highway capacity and servicing, there are existing parking restrictions across the development site frontage on both sides of Northfield Road, which stretch north of Cobden View Road, and some considerable distance beyond the development site in a southerly direction. There are also loading restrictions over the same distances that prevent loading in the morning between 08:00 hrs & 09:30 hrs, and in the evening between 16:30 hrs & 18:30 hrs. A section of the bus stop box marking on the opposite side of the Northfield Road overlaps just over a third of the development site's northern frontage. Concerns have been raised that when buses are boarding/alighting, delivery vehicles servicing the commercial units will block the road creating a bottleneck and congestion.

The three commercial units are small in floor area, with deliveries most likely undertaken by small rigid lorries 10.3 metres long. Deliveries might be undertaken directly by the occupants, in transit vans. Regardless, if a bus is stood for a short time at the bus stop and a delivery vehicle of whatever length is parked at the northern extreme of the development site frontage, the road will become blocked.

For this reason, if planning permission is granted, it is recommended that the loading

restrictions be tightened up, by introducing no loading at any time on the eastern side of Northfield Road, from the junction of Cobden View Road, for a distance of approximately 25 metres in a southerly direction. This would ease through movements by giving some separation between on-street servicing and the bus stop. Northbound traffic would negotiate the parked bus more-or-less as it does now. There would still be a 15 metre length of loading/servicing availability (except during the peak periods) along the development site's southern frontage. Goods could be wheeled along the footway from here, in much the same way as for the existing shops in the centre of Crookes.

Lastly, a path crosses the site that currently has no public status. It can't be used due to the placement of hoardings around the site. It has clearly been well used down the years, with at least 30 years usage. As such, it could easily be claimed as a public footpath. Indeed, the Council is currently dealing with a claim that the footpath is public. For the purposes of this planning application, the path will be treated as a public footpath. If planning permission is granted, the path would need to be formally closed under Section 257 of the Town & Country Planning Act. This process invites objections, which if they remain unresolved, a decision on the path's closure would be taken by a Planning Inspector. Development can't take place until the path has been formally closed. The Highway Authority, when consulted, is unlikely to object to the closure as the feeling is that the alternative route is a reasonable one and not excessively longer.

Officers consider that the development would accord with the NPPF and any cumulative impact upon Highway safety would not be severe.

If planning permission is granted, the developer will be required to fund the promotion of a traffic regulation order and provide road markings and signage restricting loading at all times for a section of the site frontage, fund the removal of some pedestrian hand-rail from the site frontage, resurface the footway, and undertake accommodation works to telegraph poles and wires that cross the site, and possibly to street lighting positions if they clash with doors/windows.

#### Land Quality

UDP Policy GE25 seeks to ensure that any contaminated land is identified and effectively treated.

The NPPF (paragraph 183) identifies that a site should be suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or previous activities such as mining.

The aims of policy GE25 and the NPPF closely align, in this respect and significant weight can be afforded to the local policy.

A desk study report was submitted with the application, entitled, "Land off Cobden View Road. Phase 1 Desk Study Report." Dated April 2020. Report author Ross Blake, of RB Geotechnical". The report concludes that the site is generally of low risk, save for potential gas ingress to buildings from nearby infilled land features. It recommends a site investigation for carrying out gas monitoring.

This can be secured by condition and it is recommended that the council's suite of land contamination conditions be imposed.

## Access

The proposed retail units would have level access to Northfield Road. Access officers have raised no concerns.

## Community Infrastructure Levy

The Council's Community Infrastructure Levy (CIL) Charging Schedule (June 2015) sets the levy rates applicable to certain developments. Mostly CIL replaces some previous payments negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43).

The site is within zone 3 where the CIL charge is £30 per sqm. The development proposes 850sqm of residential floor space and 238sqm of non-residential floor space giving a total of 1088 sqm.

## Affordable Housing

Policy CS40 'Affordable Housing' within the Core Strategy states that developers of all new housing schemes of 15 units or greater will be required to contribute towards the provision of affordable housing where this is practical and financially viable.

The NPPF at paragraph 63 – 65 sets out requirements for affordable housing.

The relevant local plan policies and supporting SPD are considered to be in close alignment with these provisions and are therefore afforded significant weight.

The development, being for 13 houses falls below the affordable housing threshold.

Consequently the development is not required to make a contribution towards the provision of affordable housing.

## Sustainability

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

Policies CS63 to CS65 are in conformity with the NPPF which promotes sustainable development and have significant weight.

The applicant has set out in the Design and Access Statement that the site is within a sustainable location, the building will achieve good levels of energy efficiency and the applicant is happy to consider options for renewable energy generation, subject to viability. A condition setting out how the development would meet the sustainability criteria set out above is recommended.

Subject to conditions it is considered that the development would comply with Core Strategy Policy CS63 and CS65 as well as the NPPF.

## 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.

NPPF paragraph 174 a) and d) identify that planning decisions should contribute to and enhance the natural and local environment, minimise impacts on and provide net gains in biodiversity. Furthermore, paragraph 180 a) identifies that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Part d) of paragraph 180 goes on to state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Local policy aligns with the NPPF and is therefore relevant to this assessment. Development of the site will result in the loss of most of the green-space currently present. If a successful scheme is to be permitted and realised there will need to be an assessment of what is being lost and how this will be compensated for in line with the requirements of the NPPF (174, 180) and the Environment Act 2021.

The applicant has provided a Preliminary Ecological Appraisal (PEA). This is a re-submission of the 2020 report. The report finds that the site is not of great importance for nature conservation.

Prior to any development commencing (should planning permission be granted) the site should be checked for any nesting birds and to ensure that no protected species have 'moved in' since the PEA was prepared.

The report also makes recommendations for mitigation measures that should be incorporated into the scheme which include the provision of swift and house sparrow boxes, bat boxes and the incorporation of planting in the soft landscaping scheme which would be of benefit to wildlife. These measures can be secured by condition.

In light of the above, it is considered that the proposal accords with UDP Policy GE11 and the relevant parts of the NPPF.

## Drainage

Core Strategy Policy CS67 encourages all developments to significantly limit surface water and sustainable management techniques.

Paragraph 169 of the NPPF requires that major developments incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

The local and national policies are aligned and so the local policy can be given weight.



Yorkshire Water have raised no objections to the development and have set out that there should be separate systems for foul and surface water drainage.

The Local Lead Flood Authority has advised that as this is a greenfield site, surface water should discharge at greenfield rates.

It is considered that the site can be developed with satisfactory drainage arrangements subject to appropriate details. These can be secured by condition and the applicant has agreed to the imposition of such conditions.

## Broadband

Demand for gigabit-capable full fibre broadband is growing fast with households and businesses, as connectivity is now an essential part of everyday life, it is expected by all consumers.

The 'Future Telecoms Infrastructure Review 2018' outlined the Government's plans for 15 million premises to have full fibre by 2025, and nationwide coverage by 2033. To support this, on March 17th, 2020 the Government published its response to 'New Build Developments: Consultation on delivering gigabit-capable connections'.

In summary, the Government will be introducing new legislation to place obligations on housing developers to work with network operators to install gigabit-capable full fibre broadband, as standard.

The Government will now:

- Amend the 'Building Regulations 2010' to require all new build developments to have the physical infrastructure to support gigabit-capable connections
- Amend the 'Building Regulations 2010' to create a requirement on housing developers to work with network operators so that gigabit broadband is installed in new build developments, up to a cost cap
- Publish supporting statutory guidance (Approved Documents) as soon as possible
- Continue to work with network operators to ensure they are connecting as many new build developments as possible and at the lowest possible price
- Work with housing developers and their representative bodies to raise awareness of these new requirements'

To meet these requirements it is suggested that conditions be imposed.

## RESPONSE TO REPRESENTATIONS

The main body of the report addresses the concerns raised in the representations. Loss of view, devaluation of property and noise and general disturbance during construction works are not planning considerations. However it is recommended that a condition requiring a Construction Environmental Management Plan (CEMP) be submitted for

approval prior to any works commencing on site.

One of the representations refers to an e-petition with over 670 signatures. This petition is closed. It was started prior to the submission of a planning application running from 26<sup>th</sup> May 2020 until 7<sup>th</sup> July 2020 (the first planning application was received on 18<sup>th</sup> June 2020). A new petition has not been submitted with regard to the current application.

## SUMMARY AND RECOMMENDATION

Planning permission is sought for the development of a triangular parcel of land at the junction of Northfield Road and Cobden View Road. The site has previously been used as an informal open space; however it is in private ownership and has more recently been fenced off. The site is not designated as being open space and is not believed to harbour any protected species.

The proposed development would provide 3 retail units on the ground floor fronting onto Northfield Road with 8 apartments on floors above. To the rear, fronting onto Cobden View Road the development proposes a further 5 flats, making a total of 13 apartments. These would comprise of 3 studio apartments, 3 apartments with one bedroom, and 7 apartments with 2 bedrooms.

The UDP identifies the site as being within a District Shopping Area where retail is the preferred use and housing is acceptable.

As set out in this report, in principle the redevelopment of the site with a mixed development, including housing is in accordance with the relevant land use policies.

In the absence of a 5-year supply of housing land the tilted balance is engaged in accordance with Paragraph 11 of the NPPF and the positive and negative aspects of the scheme must be carefully weighed.

The proposed scale of the building is acceptable as are the materials (natural stone and slate to the public facing facades). The development would bring about improvements to the appearance of the streetscene at a prominent corner.

Subject to the imposition of conditions adequate living conditions would be afforded occupiers of the development and the proposal would not significantly impact upon the amenity of occupiers of neighbouring property.

The proposal would provide additional housing in a highly sustainable location, making efficient and effective use of land. In the context of the absence of a 5 year supply of housing this carries significant weight.

The proposed development would have no off-street parking; however it is in a highly sustainable location and cycle parking is proposed. A claimed right of way crosses the site. There would be no objection to the diversion of this as it would not result in people having to travel a significantly greater distance. Subject to the imposition of conditions the development raises no highway safety concerns. As discussed by this report, the cumulative impact of development upon the highway network would certainly not be severe.

In applying the tilted balance in favour of sustainable development in NPPF Paragraph 11 (d), great weight is given to the benefits highlighted above, particularly the provision of housing in a sustainable location, and contributions to the visual amenities of the area. There are no adverse aspects of the scheme that significantly and demonstrably outweigh the benefits and so it is recommended that planning permission is granted subject to conditions

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Case Number	21/02714/FUL (Formerly PP-09907726)
Application Type	Full Planning Application
Proposal	Extension including roof lift and front dormers to create habitable accommodation on first and second floors for use as 10-bed House in Multiple Occupation (sui generis), with retail unit (Use Class E(a)) on ground floor and associated first floor office
Location	715 - 717 Abbeydale Road Sheffield S7 2BE
Date Received	13/06/2021
Team	South
Applicant/Agent	Anva - Mr Ali Ay
Recommendation	Grant Conditionally

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

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

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

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

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

Site Location Plan

As published by the Local Planning Authority on 14th June 2021

009.21/06 Rev G Proposed Ground Floor Plan/Site Plan  
009.21/06A Proposed main access to flat/refuse store and cycle areas  
009.21/07 Rev G Proposed First Floor Plan  
009.21/08 Rev G Proposed Loft Floor Plan  
009.21/09 Rev G Proposed Roof Plan  
009.21/10 Rev G Proposed Front and Rear Elevations  
009.21/11 Rev G Proposed Side Elevations

As published by the Local Planning Authority on 22nd March 2022

Reason: In order to define the permission.

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

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

3. Before the development is commenced, full details of the proposed external materials shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

- a. Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b. Be capable of achieving the following noise levels:  
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);  
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);  
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);  
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
- c. Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

Reason: In the interests of the amenity of future occupiers of the upper floor accommodation.

5. Before the first occupation of the building hereby permitted the window serving 'Room 1' as specified on the approved plans shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity up to a minimum level of 1.7 metres above internal finished floor level and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.

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

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

Windows  
Window reveals  
Doors  
Eaves

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

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

7. 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.

8. Prior to above ground works details of bat and bird boxes (a minimum of two each) shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall include a time schedule for implementation. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable development and supporting bio-diversity.

9. Prior to the retail unit being brought into use full details of the entrance to facilitate level access to the unit shall be submitted to and approved in writing by the Local Planning Authority. The unit shall not be brought into use until the approved works to provide level access have been completed.

Reason: In the interest of providing disabled access.

10. Before the shop front is installed full details of any security measures, including roller shutter and housing (which shall be internal) shall have been submitted to and approved by the Local Planning Authority. The shop front and security measures shall then be implemented in accordance with the approved plans and retained as such thereafter.

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

11. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a portion 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.

### **Other Compliance Conditions**

12. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

13. The flat roof areas of the development hereby permitted shall not be used as balconies, roof gardens or similar amenity areas.

Reason: In the interests of the amenities of occupiers of adjoining properties.

14. The room identified on the Proposed Loft Floor Plan (drawing number 009.21/08 RevG) as 'room' shall not at any time be used as a bedroom or other main habitable room at any time.

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

15. The upper floor accommodation shall be occupied by a maximum number of 10 residents.

Reason: In order to ensure occupants benefit from appropriate levels of communal space and on site facilities.

16. The residential accommodation shall not be used unless the cycle parking accommodation for 11 cycles as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.



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

17. No customer shall be permitted to be on the premises outside the following times: 08:00-23:00.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677  
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

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

Telephone: 0114 273 6677  
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

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

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

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

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

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

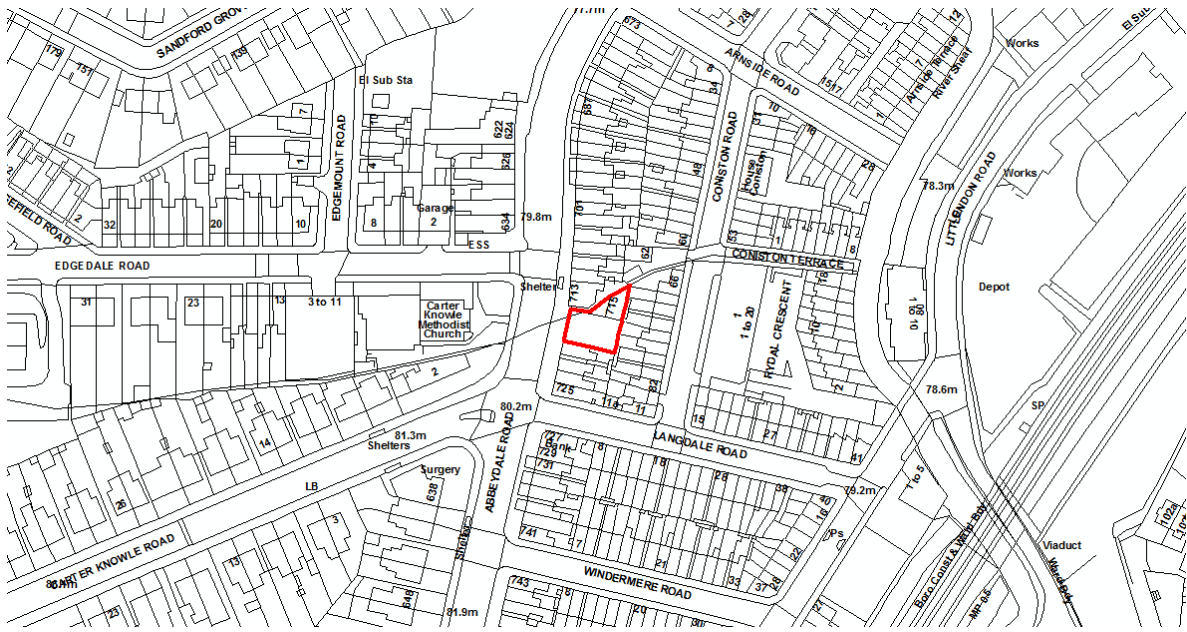
when selling or letting the properties.

5. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

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

# Site Location



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## LOCATION AND PROPOSAL

The application relates to a site currently occupied by a single storey structure most recently in commercial use filling the entire plot and located on a busy section of Abbeydale Road, a major arterial route into the city centre.

The site is located within an allocated Local Shopping Centre as designated within the Unitary Development Plan.

The adjacent units are in commercial use at ground floor, No. 713 as a pharmacy and No. 719 as a newsagents. The first floor above No. 713 appears to be used for storage. The first floor above No. 719 has indications that it may be a residential flat. The rear the site adjoins domestic curtilage (rear gardens/yards) of terraced housing fronting Coniston Road.

The application seeks to demolish the existing building on the site and erect a two storey brick built building with additional accommodation in the roof space served by dormers.

The stated uses within the building would be as follows:

Ground floor: Retail unit (Class E)

First Floor: An office, 5 bedrooms with en-suite and a kitchen/living room.

Second Floor/roof space: 5 bedrooms with en-suite. A further non-designated room is indicated but this could not serve as a bedroom since it has no outlook.

## RELEVANT PLANNING HISTORY

Planning permission was refused in 1974 for the use of building as tyre store and fitting bay (74/00233/FUL)

Planning permission was refused in 1975 for the use of premises as car and van hire depot and store (75/00606/FUL)

Planning permission was granted for the use of premises for motor car sales, motor cycle spares and accessories and ancillary hardware goods. (77/01547/FUL)

Planning permission was refused in 1990 for the use of the building as a restaurant. (90/02283/OUT)

Planning permission was granted in 2001 for the use of building as a gymnasium. (01/01401/FUL)

Planning permission was granted in 2002 for the use of the building for a gymnasium without complying with condition 4 (restriction of house of opening) imposed by 01/01401/FUL. (02/01634/FUL).

Planning permission was granted in 2008 (08/01104/CHU) for use of the premises as a pharmacy

## REPRESENTATIONS

There have been 44 representations received in response to the public notification process, with 42 being objections (including one from Cllr Allison Teal), one being neutral and one being a letter of support.

## SUMMARY OF POINTS RAISED

### Objection

Cllr Teal objects on the following grounds:

- The proposal will exacerbate existing parking congestion in the locality;
- The building occupies the whole site...how will waste management be addressed?;
- The residential accommodation appears to be designed for transient living. The city needs affordable housing.

Points raised by other objections:

### Design/Layout Quality

- the design is out of character with the locality and will have a negative impact on the skyline;
- design will cause 'canyonisation' of the street due to its height;
- the accommodation would be of a poor quality;
- absence of private amenity space for future occupants;
- insufficient bin storage.

### Highways Impact

- insufficient cycle parking is provided for residents;
- inadequate parking/loading turning;
- insufficient off-street car parking;
- will generate additional traffic leading to accidents;
- where will customers park?

### Impact on Neighbours

- the proposals would overshadow and overlook adjacent residential properties;
- will cause loss of greenery to the rear of properties on Coniston Road;
- would impact on the natural light, and privacy of Nos. 70, 74 & 76 Coniston Road;
- the development breaks the 45 degree rule thereby causing overbearing on neighbouring properties;
- there is insufficient distance between the rear wall and the rear elevations of properties on Coniston Road;
- 24 hour retail operation will result in noise and disturbance to nearby residents;
- the size of the internal spaces mean guests will congregate outside resulting in noise disturbance.

### Ecology

- a tall building will adversely impact on local protected species;

- bats are suspected to be roosting in the building.

#### Other

- the locality does not need any more HMO's;
- this part of Abbeydale Road smells of sewage and further residents will make things worse;
- would encourage vermin;
- will result in additional littering;
- the area is already too densely populated.

#### Points raised that are not material

- Sheffield does not need more student accommodation;
- there are already enough shops in the locality and another would impact on the existing business custom;
- will attract anti-social behaviour;
- will create highways difficulties during construction;
- there is no need for an additional supermarket;
- would be a good location for a restaurant;
- a residents parking scheme needs to be implemented in the locality;
- illegal parking already adversely affects highway safety and this scheme will make things worse;
- scaffolding during construction would impede the footway;
- very little time to comment on the application;
- there is no access for emergency vehicles;
- would create a precedent for further HMO's in the locality;
- the construction phase will impact on the ability of neighbouring residents to work from home;
- how will the boundary wall's integrity be assured?
- will impact on private views.

#### Neutral Comments

- objectors have also claimed that there will be a damage to wildlife. This does not seem to be true;
- it is important for any development to improve provisions for nature. This could be in the form of wildlife bricks and bird boxes being incorporated into the design to support birds, bats, mason bees and other invertebrates.

#### Support

- there are insufficient convenience stores in the locality so this is welcomed;
- we live in a world where people work all hours and don't shop at set hours. Also many don't have cars so a convenience store will serve these people.

## 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 1<sup>st</sup> April 2021 – 31<sup>st</sup> March 2026 and concludes that there is evidence of a 4-year supply of deliverable supply of 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 context the following assessment will:

- Assess the proposals compliance against existing local policies as this is the starting point for the decision-making process. For Sheffield this is the UDP and Core Strategy.
- Consider the degree of consistency these policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Consider whether harm accrues and if necessary apply 'the tilted balance' test, including considering if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

#### Key Issues

The main issues to be considered in this application are:

- The acceptability of the different aspects of the development in land use policy terms,
- The design of the proposals and their impact on the surrounding street scene.
- The effect on future and existing occupiers living conditions,
- Whether appropriate highways access and off-street parking is provided.

#### Housing Supply considerations

Policy CS22 - Scale for the Requirement for New Housing of the Sheffield Development Framework Core Strategy (CS), sets out Sheffield's housing targets until 2026.

This development will make a positive contribution towards the Councils housing land supply of deliverable sites and this should be afforded appropriate weight as a material consideration.

Paragraph 69 of the revised NPPF 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’.

Policy CS23 and CS24 are restrictive policies, but 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’.

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.

This development is taking place on previously developed land and therefore is considered acceptable with regard to Policy CS24.

Therefore, it is considered that the proposal is consistent with the aims of policies CS23 and CS24.

Paragraph 124 of the NPPF states:

Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services—both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

Policy CS26 ‘Efficient Use of Housing Land and Accessibility’ requires housing developments to make efficient use of land, but that it should be in keeping with the character of the area. In this location, the scale of the proposal and the introduction of ‘living over the shop’ for the HIMO are considered to satisfy the requirements of the policy.

In conclusion the development will make a small, but positive contribution to the housing stock in the city with a density appropriate when considering the context of the site.



## LAND USE POLICY

### Unitary Development Plan

The proposed retail ground floor use would fall under the relatively new Use Class E.

Policy S7 of the Unitary Development Plan does not refer to the new Class E (having pre-dated its designation) but refers to the acceptability of the proposed uses as follows:

Retail:	Preferred
Housing (Use Class C3):	Acceptable

Since the upper floors of the proposal are proposed as a Sui Generis HMO the policy requires that it be considered on its merits. In terms of the character of the use this is considered to most closely align with housing use since the proposal is for residential accommodation.

Both of the above uses are subject to the constraints of Policy S10 'Conditions on development within Shopping Areas. However, all of the above uses are acceptable. The compliance, or otherwise, of each of these uses with regard to policy S10 (and any subsequent requirements for conditions) will be explored in the assessment of the scheme.

### National Planning Policy Framework (NPPF)

Paragraph 86 of the National Planning Policy Framework says that planning decisions should support the role that town centres (and primary shopping areas) play at the heart of local communities.

### Shared housing Density in the locality

Policy CS41. Seeks to limit concentrations of shared housing within localities. The policy states that if more than 20% of properties with 200 metres of the site are in shared occupation further such development should be resisted. In this case the concentration of shared housing within 200m is 9% and as such the proposal would be in compliance with the requirements of policy CS41

### Environmental Considerations

#### Demolition

The scheme would involve demolition but the existing building is not considered to have architectural merit and its loss would not adversely impact on the street scenes of Abbeydale Road or the character of the locality.

#### Design

#### Local Policy

UDP Policy BE5 (Building Design and Siting) states that original architecture will be encouraged, but that new buildings should complement the scale, form and architectural

style of surrounding buildings.

Core Strategy Policy CS74 (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.

UDP Policy H14 'Conditions on Development in Housing' states that new development and extensions will only be permitted where they are well designed and in scale and character with neighbouring buildings, where the site would not be overdeveloped or cause serious loss of existing garden space which would harm the character of the neighbourhood.

UDP Policy S10 'Conditions on Development in Shopping Areas' states that development should be well designed and of a scale and nature appropriate to the site

These policies are consistent with Paragraph 130 of the NPPF which states 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 existing building is not considered to have any significant architectural merit but rather to represent an anomalous presence with a generally adverse impact on visual amenity in the locality. The flanking buildings rise to two storey with pitched roofs and it is felt that the street scene elevation of the proposal responds appropriately to this established character. The eaves line is carried through from No. No.719 as is the ridge height of the pitched roof. Window styles are complimentary and reflect those on flanking properties.

The use of dormers is not common on neighbouring buildings but they do appear in the locality (fronting Abbeydale Road) and it is understood that these are needed to make the scheme viable. In this case the form and scale of the dormers is considered appropriate and mirrors the better examples already present in the street scene.

On front elevation the proposals should therefore represent a significant improvement over existing in terms of street scene.

The use of red brick as the main facing material and appropriate roof materials, whilst not specified can be secured through condition.

#### Residential amenity considerations

Policy S10 (conditions on Development in Shopping Areas) expects new development to not cause existing residents or visitors to suffer from unacceptable living conditions.

NPPF paragraphs 130 and 185 sets out similar aims in terms of ensuring decisions take into account the impact of pollution on health and living conditions and secure high standards of amenity. The local and national policies closely align and significant weight can therefore be given to policy S10

#### Impact On Existing Residents.

#### Physical Presence and New Fenestration

It is not considered that the front elevation of the building and its associated fenestration has any implications for existing residential amenity. The physical presence of the proposal will not impact on the first floor properties flanking the development site.

To the rear of the site borders the curtilages of properties fronting Coniston Road.

The in situ building does feature a significant wall of masonry on the boundary with Nos. 68-78 inclusive Coniston Road. This varies in height from approximately 2.5 metres to 4 metres. The intention is to retain this height of boundary wall within the new structure at ground floor. Whilst Officers would have preferred to have seen some reduction in this massing of masonry it is considered that this element of the proposal does not result in overbearing/ overshadowing in excess of existing and as such, it would not be reasonable to resist the proposal on this basis.

The two storey element of the scheme with its associated pitched roof lies at a greater distance from the rear elevations of properties on Coniston Road (approximately 17.6 metres in the case of the main rear elevation and 13.4 metres in the case of the central off-shot element)

Supplementary Planning Guidance (Designing House Extensions) lays out good practice with regard to appropriate separation distances between main aspect windows and new development. Guideline 5 states that a two storey gable end (which would have a slightly greater presence than the proposal) should be located no closer than 12 metres to main aspect windows. Since the separation distances here exceed the 12 metre specification the proposal therefore satisfies SPG.

In terms of potential overlooking the proposal would introduce windows into the main rear elevation that achieve separation of 17.6 metres to the rear elevation of properties on Coniston Road. Though falling short of the established 21 metre guideline this is considered acceptable in this case as it mirrors the relationship between first floor windows in the rear elevations of other properties to the south on Abbeydale Road and those on Coniston Road.

The windows in the central offshoot would achieve a separation distance of 13.4 metres to windows in the rear elevation of Coniston Road properties. This would represent a

shortfall when compared to SPG guidelines. Such separation distances between the backs of first floor flats above shops and terraces to the rear are quite frequent in locations elsewhere in the city (e.g. locations on Abbeydale Road itself and on Ecclesall Road). However, the intention here is to have the lower panes of this window glazed with obscure glass and this, combined with the not insignificant separation distance, should negate any significant overlooking towards properties on Coniston Road. This will be secured by an appropriate condition.

In terms of the proposed accommodation leading to noise (through resident activity) it would be difficult to support a refusal on the basis of such a judgement.

Whilst concerns have been raised by objectors with regard to the proposed use the difficulty in establishing a material difference between family occupancy and proposed occupancy in as far as internal noise is concerned would lie in the inability to assess definitively the behaviour patterns of alternative occupants.

It is felt that to draw any subjective judgements on these matters would be open to significant criticism and would be extremely difficult to establish definitively.

As far as external noise is concerned, this is likely to be centred on the comings and goings of residents and given the busy location of the site fronting Abbeydale Road it is considered highly unlikely that the relatively low number of occupants would result in noise disturbance.

The proposed HMO would not be (definitively) expected to lead to additional refuse generation compared to any other development of flats/apartments. The site incorporates sufficient locations / space for wheelie bins and this would avoid litter bins being left out on Abbeydale Road after collection day.

It is therefore concluded that the attached properties would not be subject to unacceptable impacts upon living conditions.

The Retail Use at Ground Floor (potential noise/external plant)

The application seeks permission for the retail store to be open 24 hours a day. Officers consider that this would likely introduce unacceptable noise and disturbance to nearby residents (and future occupants of the HMO above) and a condition should therefore be added to any permission limiting opening to 08:00-23:00 hours.

Conditions relating to the installation of externally mounted plant or equipment should also be added to any approval.

Living Conditions for Future Occupants

Abbeydale Road is one Sheffield's busiest main roads, especially close to the junction of Carter Knowle Road, and therefore generates a considerable amount of ambient noise immediately adjacent to the proposed HMO. Whilst it is not considered reasonable to expect that residents fronting this major road should enjoy the same level of amenity that might be afforded in a solely residential area nonetheless it is considered appropriate that a suite of conditions be added to any permission limiting the noise break-in to the proposed bedrooms to ensure an acceptable level of amenity for future occupants.

Each of the bedrooms appears to have a reasonable level of outlook and to benefit from natural light. The shared communal kitchen has some outlook/natural lighting.

No external amenity space is indicated on the plans but this is not entirely unusual for 'above shop' type living spaces. Whilst the use of the flat roof area could potentially provide some outside seating/drying space this would lead to privacy issues for the first floor off shot flat dweller, and could also result in overlooking/ noise issues for neighbouring dwellings and so such a use has not been sought by Officers. The flat roof itself should be conditioned so that it cannot be used for sitting out.

### Highways And Access Considerations

The NPPF seeks to promote sustainable transport and locations, emphasising pedestrian and cycle movements followed by public transport in Paragraphs 110 and 112. Paragraph 110 states that safe and suitable access to the site should be achieved by all users. Paragraph 111 goes on to detail that new 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'.

There have been various retail uses on the ground floor of the existing building over the years, so the principle is long established. The shop sits within a parade of other shops, all of which are serviced from on-street. There are zig-zag road markings in front of the shop associated with the nearby pedestrian crossing. Parking in this area for servicing would therefore be illegal.

The zig-zags then join a bus clearway marking which protect two bus shelters from being obstructed by parking. In most instances, bus clearways are in operation 24 hours a day. However, outside the parade of shops, the bus clearway is in operation from 7 am to 11.30 pm. Servicing is permitted from on-street outside of these hours and without limitation from neighbouring side streets. The transport statement supplied with the application indicates that deliveries for the shop would take place via a 'Transit' type van before 7 am, or later in the evening. The signal-heads for the pedestrian crossing are attached to totem poles, so motorists approaching from the north would see the top signal-head over a parked van.

Over the past 5 years, there have been four slight personal injury accidents recorded at the pedestrian crossing. The types of accident have all been different. Given the volume of traffic using Abbeydale Road and amount of use of the crossing, officers do not consider this to be a significant concern.

With regard the 10-bed multiple occupancy element of the development, this is unlikely to generate much in the way of on-street car parking demand. The location of the site is highly sustainable in terms of public transport provision, with a good range of shops/amenities within easy walking distance.

This is backed up by the 2011 census for area covering Abbeydale Road on both sides, Langdale Road and Coniston Road. The car ownership profile was 0.7 cars/vans per household. 46% of households had no car/van. 42% had one car/van. 9% had 2, and 3% had three cars/vans. Given the scale of development and likely low car ownership profile, it would be disproportionate to expect the applicant to fund the provision of a residents permit parking scheme in the area.

The development proposal includes bicycle parking provision for 11 bikes, secure and set within the footprint of the building.

Appropriate bin storage will be provided for both uses at ground floor and this could be serviced by waste disposal vehicles on Abbeydale Road in a manner already employed by neighbouring commercial interests. Highway Officers do not consider that the quantum of development and corresponding waste generation justifies a requirement for the introduction of a Traffic Regulation Order on Abbeydale Road.

#### Accessibility considerations

Policy BE7 (Design of Buildings Used by the Public) expects appropriate access to buildings and in this instance this would mostly relate to provision of level access into the retail unit so as to assist wheelchair users and others with mobility problems. Level access can be secured through condition

#### Landscape considerations

Unitary Development Plan Policy BE6 'Landscape Design' says that good quality landscape design will be expected in new developments and refurbishment schemes. Applications for planning permission for such schemes should, where appropriate, include a suitable landscape scheme.

Paragraph 130b) of the NPPF promotes well designed places by appropriate and effective landscaping. Policy BE6 is consistent with the NPPF and should be given significant weight.

The site constraints allow little scope for landscaping but an absence of such is consistent with other development in the locality where residential flats are located above shops. There is no reason to resist the proposal on these grounds.

#### Ecology And Biodiversity Considerations

Paragraph 174 of the NPPF says that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts and providing net gains in bio-diversity.

Some representations have suggested that there may be protected species habitat within the building but this is not mentioned by others living nearby. It is considered likely that bats may forage in the locality (as they do in many places in the city) but it is considered unlikely that roosts are actually present. The building has been, until recently used on a regular basis and there are no obvious gaps in its fabric. A survey has not therefore been sought from the Applicant. In the event this is the case the disturbance/removal of such roosts is protected by other legislation.

Other representations state that the introduction of a 'tall building' will adversely impact on flight patterns but as the building will be no higher than the flanking building at No. 719 this is considered highly unlikely.

The proposed building does display potential for the siting of bird/bat boxes and, in the interests of biodiversity) details of these should also be secured by condition.

Site lighting should also be designed to give consideration for bats.

With the above measures in place and the new planting proposed the development is expected that the development can deliver a biodiversity enhancement in line with the NPPF.

### Sustainability Considerations

In terms of the 3 overarching objectives of sustainable development defined in paragraph 8 of the NPPF.

The proposal will contribute to the economic objective – in supporting the city economy which is a key economic objective whilst at the same time as providing employment in construction and during the operational phase.

It will contribute to the social objective – by providing a destination and support a vibrant shopping centre.

It will contribute to the environmental objective by enhancing the built environment by making efficient use of land.

### Community Infrastructure Levy

CIL has now been formally introduced; it applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. In this instance 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'.

### Response to representations

Matters relating to design, residential amenity, highways, ecology, and density of shared accommodation have been dealt with in the main body of the report

### Other matters raised

The integrity of boundary walls is a matter for building regulations.

The introduction of an HMO into the locality would not create a precedent. All such applications would be considered on their merits and the requirements of Policy CS41 limit excessive concentrations of this form of development.

Illegal car parking is a matter for the police.

Noise from construction is controlled through Environmental Health legislation

### SUMMARY AND RECOMMENDATION

The proposed development accords with the land use policies for this site.

It will deliver an appropriate mix of uses which will transform this rather run down and

vacant site.

The wider benefits associated with this regeneration scheme will deliver uses that will contribute to the vitality and viability of the shopping centre and provide additional housing which significantly outweigh the limited negative impacts.

The design is considered of good quality and will ensure the development responds appropriately its context. The development will function well by providing an active and well overlooked street frontage.

The site is well located to benefit from sustainable travel options and is a sustainable form of development contributing to the NPPF's overarching objectives for sustainable development, whilst being consistent with the Council's sustainable design planning policies.

Conditions will ensure that the impact of uses will be controlled such that they should not have a significant harmful impact on local residents.

Paragraph 11 of the NPPF says that there is a presumption in favour of sustainable development.

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole  
Paragraph 12 of the NPPF says that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Overall it is concluded that this is a scheme of acceptable quality which should enhance the street scene of Abbeydale Road. It is a welcome regeneration project which meets the Development Plan objectives and it will contribute to the vitality and viability of the Shopping Area. There are no adverse impacts that significantly and demonstrably outweigh the benefits.

It is therefore recommended planning consent be granted subject to the listed conditions.



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Case Number	20/03276/FUL (Formerly PP-09081153)
Application Type	Full Planning Application
Proposal	Demolition of outbuildings, erection of 4 dwellinghouses with associated parking, landscaping and formation of access.
Location	Kenwood Hall Hotel Kenwood Road Sheffield S7 1NQ
Date Received	21/09/2020
Team	South
Applicant/Agent	Franklin Ellis
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:

KWH-FEA-B1-XX-DP-A-2200\_RevP3 Plot A - Proposed GA Plans and Elevations - Published Date 11 Nov 2021

KWH-FEA-B1-XX-DP-A-2210\_RevP2 Plot B - Proposed GA Plans and Elevations - Published Date 11 Nov 2021

KWH-FEA-B1-XX-DP-A-2220\_RevP2 Plot C - Proposed GA Plans and Elevations - Published Date 11 Nov 2021

KWH-FEA-B1-XX-DP-A-2230\_RevP2 Plot D - Proposed GA Plans and Elevations - Published Date 11 Nov 2021

KWH-FEA-S1-XX-DE-A-3200\_RevB Housing Context Elevations - Sheet 1 - Published Date 11 Nov 2021

KWH-FEA-S1-XX-DE-A-3201\_RevB Housing Context Elevations - Sheet 2 - Published Date 11 Nov 2021

KWH-FEA-EX-XX-DS-A-3403\_RevF Site Sections - Proposed - Published Date 11 Nov 2021

KWH-FEA-S1-XX-SK-A-25051\_RevD Proposed Site Layout - with Retained Trees - Published Date 11 Nov 2021

KWH-FEA-S1-XX-SK-A-25053\_RevD Proposed Site Layout - in Context Published Date - 11 Nov 2021

KWH-FEA-S1-XX-DP-A-1000\_RevC Site Location Plan - Published Date 21 Sep 2020.

Reason: In order to define the permission.

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

3. No development shall commence until full details of measures to protect the existing trees, shrubs and hedges 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.

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

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

system will be fit for purpose.

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

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

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

6. Before development commences a report shall have 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 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 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 of the development. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

7. No phase of the development (including works of demolition, construction, or other enabling, engineering or preparatory works), shall take place until a Highway Management Plan (HMP) relevant to that particular phase has been submitted to and approved by the Local Planning Authority.

The HMP shall assist in ensuring that all Contractor highway / vehicle activities are planned and managed so as to prevent nuisance to occupiers

and/or users of the surrounding highway environment. The HMP shall include, as a minimum:

- a. Details of the means of ingress and egress for vehicles engaged in the relevant phase of the development. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.
- b. Details of the equipment to be provided for the effective cleaning of wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway; and
- c. Details of the site accommodation, including compound, contractor car parking, storage, welfare facilities, delivery/service vehicle loading/unloading areas, and material storage areas.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of highway safety.

8. 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.

9. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to 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.

10. No phase of the development (including works of construction, enabling, engineering or preparatory works), shall take place until a Construction Ecological Management Plan relevant to that particular phase has been submitted to and approved by the Local Planning Authority.

The Plan shall include, as a minimum:

- Details of the relevant Licenses obtained for creating the new artificial badger sett and closure of the existing sett.
- A risk assessment of the potentially damaging construction activities in relation to wildlife and habitats.
- A method statement for the protection of any protected species that may be encountered on site.
- The use of protective fencing, exclusion barriers and wildlife safety measures.

The development shall thereafter be carried out in accordance with the approved details and retained until the relevant phase has been completed.

Reason: To ensure that no offences in respect of protected species are committed and that the ecological interests of the site are maintained in accordance with NPPF Paragraphs 174 and 180, Core Strategy Policy CS 74 and UDP Policy GE11.

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

11. 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.
  - b) Be capable of achieving the following noise levels:  
Bedrooms: Noise Rating Curve NR25(\*) (2300 to 0700 hours);  
Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);  
Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);  
Bedrooms: LAFmax 45dB (2300 to 0700 hours).
  - c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

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

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

timeframe to be agreed in writing by the Local Planning Authority. The scheme shall include the following details:

- a) all hard materials and surfacing, including samples when requested;
- b) tree and plant species, sizes, numbers, locations, planting methods (for trees) and soil depths, construction details and specification for tree pits including future maintenance strategy;

Thereafter, the landscaping works shall be carried out in accordance with the approved details before occupation of the building. All proposed tree planting should be in accordance with BS 5837: 2012 (Trees in relation to Design, Demolition and Construction - Recommendations).

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

13. 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.

14. 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.

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

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

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

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

17. Large scale details, including materials and finishes, at a minimum of 1:20;

of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

- (a) External Doors
- (b) Windows
- (c) Window reveals
- (d) Rainwater goods
- (e) Balconies
- (f) Parapet details
- (g) Junction of contrasting materials

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

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

18. Where any development including demolition commences more than two years from the date of the original protected species surveys, or, having commenced is suspended for more than 12 months, development shall cease, until additional/updated protected species surveys have been submitted to and approved in writing by the Local Planning Authority. Thereafter the proposed development shall be carried out in accordance with the approved details, including any revised or additional mitigation measures identified.

Reason: To ensure the ecological interests of the site are maintained in accordance with Policy GE11 of the Unitary Development Plan and that no offence is committed in respect of protected species legislation.

19. Prior to the occupation of any of the dwellings hereby approved, full details of bat and bird boxes to be erected/installed on the buildings within the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the development and permanently retained thereafter.

Reason: In the interests of bio-diversity.

20. 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.

21. The dwellings 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 use of the occupiers of the development hereby approved.

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

22. The dwellings shall not be occupied until the privacy screens as shown on the approved plans serving the roof terraces have been installed. These screens shall be to a minimum privacy standard of Level 4 Obscurity and shall thereafter be retained.

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

23. Before the first occupation of Plot D as shown on the approved plans, the first and second floor windows in southwest elevation facing the rear of the properties along Cherry Tree Road, shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity and any part of the windows that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

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

24. Details of all boundary treatments/hedgerows 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 dwellings shall not be used unless such means of site boundary treatment/hedgerows 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.

25. Before the first occupation of the dwellings, full details of the one way operation of the driveway serving the development shall have been submitted to and approved in writing by the Local Planning Authority. The details shall then be implemented as approved.

Reason: In the interests of the efficient operation of the private driveway.

26. The proposed green/biodiverse roof (vegetated roof surface) shall be installed on the roof(s) in the locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green/biodiverse roof(s) shall be installed prior to



the use of the building commencing and thereafter retained. The plant sward shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

### **Other Compliance Conditions**

27. 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.

28. The dwellings shall not be occupied unless the car parking areas of the site have been constructed of a permeable/porous material (including sub base). 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.

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

Reason: To ensure satisfactory drainage arrangements.

30. 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: To ensure that there is no visual intrusion which would be detrimental to the character and 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. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

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

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

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

3. The applicant should be aware that a legal agreement has been completed in respect of this proposal.
4. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

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](mailto:epsadmin@sheffield.gov.uk).
6. Green/biodiverse roof specifications must include substrate growing medium type and depths (minimum 80mm) and plant schedules. It should be designed to detain at least 60% of the annual average rainfall. A minimum of 2 maintenance visits per year will be required to remove unwanted species

(as is the case with normal roofs). Assistance in green roof specification can be gained from The Green Roof Organisation ([www.grouk.org](http://www.grouk.org)) or contact Officers in Environmental Planning email: [EnvironmentalPlanning@sheffield.gov.uk](mailto:EnvironmentalPlanning@sheffield.gov.uk). Alternatively see the Local Planning Authorities Green Roof Planning Guidance on the Council web site.

## Site Location



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## LOCATION AND PROPOSAL

The application site is located within, and forms part of the grounds of the Kenwood Hall Hotel, Nether Edge. The site is allocated as a Housing Area within the Unitary Development Plan and falls within the Nether Edge Conservation Area. The Hotel and its grounds form part of the locally listed Historic Park and Garden which is a non-designated heritage asset as defined in the National Planning Policy Framework.

The wider area is characterised by a mixture of property styles and designs. In addition to the hotel, there are large mid-19<sup>th</sup> Century properties that are set within sizeable grounds, 1920's and 1930's houses, and then some more recent infill sites, and apartment schemes. The area contains mature trees and landscaping within the highway and within private gardens, with the properties generally set back from the road, behind strong boundary treatments.

Planning Permission is sought for the removal of existing outbuildings, greenhouse and polytunnel on the site, and the erection of 4 detached dwellinghouses referred to as Plots A (4 bed), B (4 bed), C (6 bed) and D (5 bed) set within their own curtilages.

Prior to submission of this planning application, the site of the four plots A-D contained a row of brick and timber buildings under a pitched roof, a greenhouse, and a polytunnel which appeared to be used for storing materials and a trailer. This part the Hotel grounds was not well used and was an unkempt area in a secluded part of the site. Subsequently during the Covid pandemic the site has been used as a community garden, however this use was only temporary and the applicant has confirmed it has now ceased.

## RELEVANT PLANNING HISTORY

There is an extensive planning history relating to the Hotel and its grounds.

Pre-application advice was sought on this site which concluded that the principle of a high quality contemporary designed development on this part of the site could be supported.

Planning permission was granted in February 2020 for the 'Demolition of banqueting hall and outbuildings, and erection of a block of 9no. residential apartments (Block A) with associated parking, landscaping works and ancillary works. (Amended Plans and Description) Ref 19/02022/FUL. This scheme originally proposed an additional 27 flats within Blocks B and C which were located in a similar position to the 4 houses proposed in this application.

A subsequent application has just been granted which was subject to a legal agreement for the Demolition of the banqueting hall and outbuildings, and erection of a block of 7no. residential apartments (Block A) with associated parking, landscaping works and ancillary works. Ref 20/03258/FUL.

Planning permission was granted in November 2019 on the former Stable Block for

"Demolition of existing garages and alterations and extensions to stable block to form 2x dwelling houses, erection of 1x dwelling house and landscaping works to form car parking and amenity area". Ref 19/02020/FUL. These works are currently on site.

## SUMMARY OF REPRESENTATIONS

There have been 101 individual representations received objecting to the scheme, in addition to comments from Councillor Teal, Historic England, the Sheffield Conservation Advisory Group, Sheffield and Rotherham Wildlife Trust, and Yorkshire Gardens Trust.

Individual representations:

Principle:

- Within the Sheffield Development Framework Core Strategy, heritage landscapes and community gardens/urban farms are considered worthy of safeguarding. The proposed development contravenes CS47 relating to open space.
- The grounds, including the kitchen garden were designed by horticulturalist Robert Marnock and are an important mid-19th century landscape. Developments in the area have encroached upon the Kenwood estate but the Kitchen Garden is still in its original state. This will be lost forever if built on. Other Marnock designed landscapes in Sheffield are celebrated and preserved.
- The density of buildings on a small site will be high and out of keeping.
- The surrounding area has a high density of flats and houses converted for multiple family living. This has resulted in a high proportion of the population having no access to green space, with this site currently open to and enjoyed by the community.
- The Sheffield Plan consultation sets draft objectives for a Green city, safeguarding Sheffield's urban green spaces. This scheme goes against those principles.
- The scheme will not provide affordable housing, when there is an acute shortage of dwellings of a high standard in this inner-city multicultural ward.
- Local infrastructure -schools and medical centres - would not be able to cope with an increase in demand. They are already full, with insufficient staffing and resources.
- The sense of community experienced within the site will be taken away by the proposal.
- The proposed development will mean a net loss of open space in an area of the city where there is an identified shortage of open space.

Ecology and Landscaping:

- The removal of the trees and construction on this wild and cultivated land will damage plant habitats and wildlife including bats, birds and badgers. This goes against planning policy and the Wildlife and Countryside Act.
- The site is a feeding site for bats, a large variety of birds, foxes, owls, squirrels etc. In 2018 local ecologist, Jim Clarke, recorded 46 bird species in and around the grounds (including street trees on adjacent roads). Many of these species will take

advantage of the combination of open space with mixed vegetation bordered by mature trees that is provided by the old kitchen garden and adjacent land.

- House type D is within 7 metres of an active badger sett, with footage of badgers feeding within the grounds and adjacent gardens.
- Little thought has been given to biodiversity, and there will be a reduction in tree coverage including three magnificent and highly prominent Poplar trees (G7 in Arboriculture Assessment).
- The ecology survey has been carried out at wrong time of the year, and should be carried out May to September, in addition to being several years old, with no specific bird survey being carried out, and the generic habitat survey not scheduled at a time of year to document breeding birds.

#### Amenity:

- The 3 storey houses will overlook existing properties, and their gardens, especially from plots C and D where there are large terraces and 13 large windows facing Cherry Tree Road properties. In particular to 59, 59a and 61 Cherry Tree Road, whereby Plot D is only 3.5 metres from the garden of 59a Cherry Tree Road.
- The road serving houses C and D is close to the rear boundary of properties along Cherry Tree Road leading to significant increase in noise, disturbance, and pollution.
- The proposed landscape buffer proposed at the rear of properties along Cherry Tree Road is insufficient.
- The vehicle traffic will create air and noise pollution on the surrounding area.
- Construction noise and disturbance will impact on the immediate and wider area.
- This area is near a school and this increase in pollution and noise will have a negative impact on the young people

#### Highways:

- The proposed vehicular access on the corner of Cherry Tree Drive is already dangerous, being too wide with no pavement to one side of the junction, where 5 roads meet, and this would make it a 6 road junction.
- Further traffic will increase the use of this hazardous entrance, with 4 large dwellings having at least 2 cars each, and reusing this access will include incoming traffic associated with the hotel.
- There is a private house at No. 53 Kenwood Road (Kenwood Lodge) which is just inside the gates at the junction with Cherry Tree Drive. This set of gates is the sole entrance and exit point with no separate pedestrian entrance. The front door opens within 2 metres of the driveway and the garden is open to the driveway, which is dangerous to people and pets within No. 53.
- The drive is not wide enough for two cars to pass and has not been used for many years.
- If 80 cars a day can enter the site this will be a dangerous place for anyone in the vicinity.
- There are other entrances into the Hotel which should be used and have better visibility than the proposed entrance, where there is space to wait to turn into the site.

#### Design:

- The proposal would increase built up space and impact on the site with historic and architectural interest
- The proposal will impact adversely on the setting of the Historic Park and Gardens of Kenwood Hall. The houses are set forward from the frontage of the existing hotel buildings on raised ground, as viewed from the lawns.
- Much of the existing evergreen vegetation is to be cleared from the existing boundary between the housing site and the gardens, so the new highly glazed three-storey development will become more visually dominant than the existing Victorian buildings. Although the proposal is for separate, modernist houses, their design is such that they will tend to read as a single mass that will dominate both the historic gardens and existing Victorian hotel building.
- The north elevation of house A is ill-considered for its location, while the appearance of the scheme as a whole is somewhat 'bling' yet incoherent and undeserving of the historic, conservation content of the site.
- The Sustainability report does not present factual information and lacks proper assessment/details such as thermal ratings.
- It would undermine the essence of Nether Edge as a conservation area, destroying an important historic landscaping within the Kenwood Character Area.
- The proposed buildings are not architecturally in keeping with those of the surrounding conservation area, not only the historic 19<sup>th</sup> Century Kenwood Hall but also the other residential houses in the area.
- National policy requires developments within a Conservation Area to 'conserve' and 'enhance' the area, this proposal does neither.
- The proposed development is in the core of the Kenwood Conservation Areas, containing one of the 'most successful' of the 19th century landscape gardeners, Robert Marnock (1800-1889). He advised on the orientation of the house and he carefully re-shaped the land so as to create a bowl shaped lawn, with glimpses of the surroundings, but principally secluded. Despite it being a hotel this status of a single property has thus far been largely maintained, but is now being compromised as bits are sold off.

#### Community Garden:

- The old, sheltered kitchen garden, brought back into use by The Kenwood Community Growers (KCG) has been a huge success. Local people grow food which is donated Food Works for use in their kitchen at Sharrow Community Forum. The food grown on site is organic, and local, cutting down on food miles, and the site is ideal with nowhere else in the area able to accommodate it.
- This garden is especially suitable due to its large green house already on the site.
- The volunteering opportunities are also important and have a positive impact on people's lives and their mental and physical well-being.

#### Others:

- There will be a displacement of water caused by the houses and parking which would increase run-off and flooding

#### Councillor Teal:



- The traffic issue is particularly salient given the dangerous intersection that is being proposed to carry an increase in vehicular movements, at unsafe speeds around the blind corner. This large intersection is set to become a six-way junction if this plan goes ahead. It is a recipe for road accidents and potential fatalities.
- The proposal to create an access road past the front of the former gate house at 53 Kenwood Road will increase the dangers.
- Sheffield Biological Records will show that the site has significant wildlife and ecological value. These facts have been detailed in many of the objections and cannot be overlooked. The Council declared a Climate Emergency in January 2019 and the scientific evidence shows we also face an Ecological Emergency. We must place significant consideration in our decision making on the welfare and protection of wildlife, trees and plants.
- The ecology of the site ought to be protected by a Local Plan, unfortunately this has been beset by continuing delays. However, in the absence of this, there can be little doubt, given that most green space in this area is private gardens, of the importance of the Kenwood Hall grounds to the local community.
- The hotel owners and staff have always shown tremendous generosity towards the community and my understanding is this application has been brought about my financial duress. While I do not want this business to fail, I believe the Council must take the longer-term view. We have a duty to protect green spaces, particularly those of such historic value, so rare in Sheffield, as Kenwood Hall. The Council need to listen to the wisdom of local people who understand the implications of the changes to traffic and the reduction of green space better than the planning committee ever could.

#### Historic England:

- Do not wish to offer any comments, suggesting views are taken from the Council's specialist conservation and archaeological advisers.

#### Sheffield Conservation Advisory Group (CAG):

- While the Group considered the replacement of the previously proposed apartment block (part of the original application 19/02022/FUL though this element was withdrawn) by four houses to be an improvement on earlier proposals, they were still not convinced that the current proposal would preserve and enhance the conservation area and thought that it would be detrimental to the landscape as designed by Robert Marnock. They were concerned that the drawings showing the location and form of the proposed houses were not entirely accurate given a fall of some 4 or 5 metres across the site, and the impact that the houses would have would be greater than suggested by the drawings. In general, the Group is very concerned about the erosion of landscape quality of this important historic landscape by the accretion of development at its edges.

#### Sheffield and Rotherham Wildlife Trust:

- The main badger sett is still present and very much active and seems to have been ignored in this most recent application in particular with reference to Plot D, which may affect the sett. This is clearly unacceptable and we object to the

application.

- We also object as Kenwood Community Growers have clearly transformed the previous derelict garden into a thriving community growing garden. We support their objection.

Yorkshire Gardens Trust:

- The proposed development is in the core of the Nether Edge Conservation Area, containing one of the 'most successful' of the 19th century landscape gardeners, Robert Marnock (1800-1889). He advised on the orientation of the house, and he carefully re-shaped the land so as to create a bowl-shaped lawn, with glimpses of the surroundings, but principally secluded. Despite it being a hotel, this status of a single property has thus far been largely maintained and is now being compromised as bits are sold off.

- The proposals are for an undulating part of the site, which is characteristic for Marnock's approach, but this is to be regraded and reshaped to accommodate Plots A-D.

- The site of Plots A-D is not a previous development, containing parts of the old kitchen garden and shrubbery, which provides a backing to the main lawn to provide seclusion.

- In addition, the proposed buildings are in a faux-modernistic style that is completely incongruous within the environment here; they are totally insensitive and damaging in both their approach and execution.

- The planting precedent proposed is 18th Century, but we are working with the site of a garden laid out in the mid nineteenth century, and the selection of plants is primarily a 20th Century nurserymen's range.

- The plots and glazed elevations with the inevitable domestic infrastructure facing out across the bowl of lawn, will look totally out of place, damaging the setting when viewed from the original Hall, its terraces and the designed gardens.

- The hard detailing proposed is standard 21st century detailing paying no respect to the historic materials.

- The Garden Trust disagrees with the Heritage Assessment, and the impact on the original Hall and the mitigation approach.

- The general nature of the proposals promotes the car and a way of life which does not combat global climate change.

- The Kenwood Community Growers are doing a great job in renovating the old kitchen garden and providing free of charge food for community forums.

- The principle of the development of Plots A-D is inappropriate to the character of the site, adversely affecting this historic character and does not enhance or conserve the site, contrary to NPPF paragraphs in conserving and enhancing historic environments and does not address the statutory duty of section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

## 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 1<sup>st</sup> April 2021 – 31<sup>st</sup> 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 i) 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 ii) 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 lies within the Nether Edge Conservation Area which is a designated heritage asset identified by footnote 7 to paragraph 11 and should be taken into consideration in the tilted balance process in respect of para 11 d) i).

In this context the following assessment will:

- Consider the degree of consistency that policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Apply 'the tilted balance' test as appropriate, including considering if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

#### Key Issues

The main issues to be considered in this application are:

- The acceptability of the development in land use policy terms
- The design of the proposal and its impact on the surrounding street scene, Conservation Area, Listed Building, and locally listed Historic Park and Garden
- The effect on future and existing occupiers living conditions
- Whether suitable highways access and off-street parking is provided
- Impact on Landscaping
- Impact on Ecology

#### - Land Use Principle

The application site falls within a Housing Area as identified in Sheffield's Unitary Development Plan (UDP). 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.

However, it should be noted that whilst the principle is acceptable in terms of policy H10, the policy also states that any proposal would also be subject to the provisions of Policy H14 'Conditions on Development in Housing Areas' and BE5 'Building Design and Siting' being met. Furthermore, the principle of housing on this parcel of land is also subject to the more recent Core Strategy policy CS74.

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. Housing on greenfield sites should not exceed more than 12% completions and be on small sites within the existing urban areas, where it can be justified on sustainability grounds.

The weight to be given to policies CS23 and CS24 is open to question as they are restrictive policies, however the broad principle is reflected in paragraph 119 of the Framework, which promotes the effective use of land and the need to make use of previously developed or 'brownfield land'.

In this instance, in accordance with the NPPF definition, the site as a whole as shown within the red line boundary is classed as a both a greenfield site and brownfield site. Whilst the part of the site proposed for plots A-D contained a number of outbuildings and a hardstanding, it is considered a greenfield site. Completions on greenfield sites are well below the 12% figure, and the NPPF does not require a brownfield first basis. In this regard CS23 and CS24 can be offered some weight, and the principle of developing this site within an existing urban area, in a sustainable location, close to facilities within Nether Edge is supported in policy terms.

The Hotel has confirmed in writing that whilst it was happy to allow, free of charge, the temporary use of part of the site to local community food production during the pandemic period (following a personal request by Councillor Teal). This temporary use has now ceased, and the Hotel was unable to extend the temporary use into 2022.

Therefore, the principle in land use terms of developing this site for housing should not be undermined by the temporary informal arrangement of the use of part of the site as a Community Garden.

#### - Efficient Use of Land/Density

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 highest density in the most accessible locations down to lower densities in suburban locations with less accessibility. This is reflected in part by paragraph 125 of the NPPF, albeit the NPPF does not list maximum densities and therefore Policy CS26 is considered to carry moderate weight in 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, CS26 part (d) is relevant and states that a range of 30-50 dwellings per hectares is appropriate where a development is within the remaining urban area.

The application site is approximately 0.64 hectares but this includes the access road, landscaped areas, and the site of the former banqueting hall which has permission for apartments within Block A. To get a more accurate reflection of density, the proposed 4 plots have an area of approximately 0.23 hectares in total, and this would give a density of approximately 17.4 dwellings per hectare. This figure is lower than the suggested range in CS26, however given the sensitive location of the site, and the likely impacts of a higher density scheme it is considered acceptable. By contrast, the 9 units proposed within Block A which have already been approved would give a density of approximately 65 dwellings per hectare. Therefore it is considered that this lower density figure is within the spirit of the policy, and reflects the urban grain of the surrounding area which is relatively low density developments.

A such the proposal complies Policies CS26 and of the Core Strategy and paragraph 124 and 125 of the NPPF in relation to densities and efficient use of land.

#### - Design and Heritage Assets Policy

The Council has a statutory duty contained within 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.

The Core Strategy policy CS74 'Design Principles' requires development to enhance distinctive features of the area, which is backed up through 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 requires that development which is not well designed should be refused. It goes on to say that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally, taking into account any local design guidance and supplementary planning documents.

The application site itself falls within the Nether Edge Conservation Area which is a heritage asset as defined by the NPPF. Policies BE16 'Development in Conservation Areas' and BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' of the UDP are relevant. These seek to ensure that development would preserve or enhance the character or appearance of the Conservation Area, and that traditional materials are used.

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

Policy BE21 'Historic Parks and Gardens' within the UDP states that the character, setting and appearance of Historic Parks and Gardens will be protected. Historic Parks and Gardens are defined as public or private parks and gardens which have a historic layout, landscape, or architectural feature. Within this policy there is a list of Historic Parks of Sheffield, with the list of gardens found in the Supplementary Planning Guidance.

Chapter 16 of the NPPF considers the conservation and enhancement of the historic environment and states that when considering the impact of a development on the significance of a heritage asset, great weight should be given to the asset's conservation, and paragraph 200 requires that any harm to the asset from development within its setting should require clear and convincing justification.

Paragraph 203 of the NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into consideration, and a balanced judgment required having regard to the scale of any harm of loss and the significance of the heritage asset.

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.

In this location, Policy CS31 'Housing in the South West' states that, in South-West

Sheffield priority will be given to safeguarding and enhancing its areas of character. As such, the scale of new development will be largely defined by what can be accommodated at an appropriate density through infilling, windfall sites and development in district centres and other locations well served by public transport.

This policy aligns closely with the aims of paragraph 130 of the NPPF which promotes developments that are visually attractive and sympathetic to local character and can therefore be given weight.

#### Design, Townscape and Conservation Area Assessment

Firstly, the principle of the removal of the row of brick and timber outbuildings, the green house and the polytunnel is acceptable and will not harm the character of this part of the conservation area, as they are not worthy of retention.

The surrounding area is characterised by a mixture of building styles and designs. Kenwood Road would originally have comprised of spacious laid out properties, however some of these properties have either been replaced, or seen development within their grounds, creating gradual increase in densities and designs. Within the early part of the 20<sup>th</sup> Century, the wider area was filled in, with an increase in the density and reduction of plot sizes, which is apparent along Cherry Tree Road, Montgomery Avenue and Rundle Road for example.

The Hotel were originally built as private residence known as Kenwood Hall, and it had extensive grounds. The site has seen significant changes in the past, with large scale additions and extensions to the main Hotel building in the 1970's and 1980's. What is clear is that the original Hall was laid out with the main elevations facing to the south and east, with a raised terrace area overlooking the formal lawn to the south and the lake to the east.

The scheme has been the subject of extensive pre-application advice, which concluded that any development within the grounds of the Hotel should not encroach on the formal lawn area and should be limited to the western part of the site which was originally designed for back of house services. A contemporary approach to development of the site was supported in principle.

The boundary of the proposed development sits adjacent to, but does not encroach onto the formal lawned area, with the five individual large trees along the western part of the lawns being retained.

The proposed houses are individually designed and are orientated to take their main aspect towards the formal lawn area and the lake beyond. There is a natural dip in the land in this location and the dwellings are to sit within this, albeit some regrading of the land for the footprint of the buildings is required, but the rear gardens will then follow the natural topography down to the formal lawn and will have hedgerows to demark the boundaries of the plots. The land then banks up towards the boundary with the houses along Cherry Tree Road.

This part of the site is not visible from the highway, with primarily private views of the site from the properties along Cherry Tree Road and Kenwood Road, and from visitors to the Hotel. Amended plans have been received showing additional

planting within landscaping strips at the front of the plots towards the access road, this will help to break up the buildings and soften the presence of car parking. Green roofs have been included to the roof spaces to the front of the buildings and the terraced areas which could have accommodated furniture, sunshades and the like have been removed.

Furthermore, the west entrance to the hall was originally designed as a secondary entrance, with the more formal gate lodge at the north entrance. As such the Hotel is hidden somewhat by the stable block development and evergreen planting towards the corner of the Hotel. The proposed location for plots A-D is behind the main elevations of the Hotel, and will not impact on its setting, appearing as subservient development. The massing of the buildings proposed when viewed as you approach along the access road is broken up, with relatively narrow projections to the front giving the sense of more space between buildings.

Contemporary buildings are acceptable in conservation areas, and this approach has been accepted for Block A within the Hotel grounds. This contemporary design approach is of high quality, and natural good quality materials are proposed within the scheme including natural stone and natural metal cladding.

The proposed development is set out over two main storeys with a flat roof to keep the height to a minimum. An additional storey is proposed which is set back, again under a flat roof. Elevational treatment has been amended to incorporate more stonework to Plot A which is closest to the hotel, to reflect a more sensitive approach. Materials samples and large scale details can be conditioned to ensure that where contrasting materials meet, there is a slight set back and neat joint can be achieved.

There can be no doubting that the proposal will bring built development to an area of the site which has previously contained the kitchen garden and a limited number of buildings. However, the proposed dwellings whilst of generous proportions are not considered to be over development or of an excessive footprint to curtilage ratio. Whilst the design does not mirror the more traditional architectural styles found within the conservation areas is acceptable and will not adversely impact on the character of the wider conservation area as a whole.

#### Listed Building and Non-Designated Historic Garden Assessment

The closest Listed Building is the former North Lodge to the Hotel, including the boundary wall and gate piers, which is Grade II. The Hotel itself is not listed, nor are any of the other structures within the grounds. North Lodge is on the opposite side of the hotel grounds (approximately 250 metres away) and is not read in the same context as this application. Therefore, there will be no impact on its setting.

The curtilage of the Hotel is a locally listed Historic Park and Garden but is not on the National Register, therefore it is not identified as a designated heritage asset as listed under footnote 7 of paragraph 11 of the NPPF. This is unlike other parks within the vicinity such as the General Cemetery and the Botanical Gardens which are on the National Register and have statutory protection. However, it is a non -



designated heritage asset and therefore requires consideration in the light of paragraph 203.

The landscape setting to the Hotel (formally Kenwood Hall) was designed by Robert Marnock, who was one of the leading landscape gardeners of the mid-19th century, and laid out the Botanical Gardens, Western Park and Oakes Park in Sheffield, along with gardens within many other cities. This site is more secluded in that it was originally a private residence as opposed to a public park. The garden has been reduced in size by housing developments around the edges in the 1920's and 1930's and by significant extensions within the Hotel grounds in the 1970's and 1980's.

The garden was designed to have views from the balustraded terraces on the south and east side of the house, over the lawns which are backed by evergreen shrubbery. One of the most attractive features is the lake with the island and perimeter walk. The terrace and lawns are shielded from the former service buildings including the kitchen garden which forms part of this application site, and the west drive by a bank planted with evergreens.

This bank of evergreens which are positioned close to the southwest corner of the original Hall are to be retained, with the proposed development located on the other side. This allows for the views from the south and east elevations of the original Hall and from the original terraces to remain over the of the formal lawns to the south, and over the lake to the southeast.

It is acknowledged that there will be tree losses (see section below for details) to facilitate the development, but these are being kept to a minimum and would in part form part of future management proposals for the site. The site has had little landscaping management in this location. The boundary for the new houses is to be hedging on to the more formal lawn area, and the type of hedging can be controlled through condition to ensure that its appropriate for its location.

#### Potential Impacts and Heritage Conclusion

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, greater weight should be given to the asset's conservation. Paragraph 200 specifically states "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. Significance can be harmed or lost through development within its setting. Paragraph 202 goes on to say that where a proposed development will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

There are two designated heritage assets relating to the site, the first is the conservation area, and the second is the listed building. It is considered in this instance that the proposal would lead to less than substantial harm to the conservation area, but there is no harm to the setting of North Lodge, the listed building. In accordance with paragraph 202 of the NPPF this harm should therefore

be balanced against any public benefits. This is undertaken in the summary and recommendation section at the end of this report.

The impact on the non-designated heritage asset of the locally listed historic park and garden is acceptable in this instance.

Subject to conditions on any approval, the application complies with policies BE5, BE15, BE16, BE21 and H14 of the UDP, Core Strategy Policy CS74, sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 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 detailed 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 requirements of paragraph 130 so should be given significant weight.

#### Impact on Neighbouring Occupiers

The closest neighbouring properties to the application site are those houses which back onto the site along Cherry Tree Road, in particular No's 53, 55, 57, 59 and 59A. No. 53 Kenwood Road (Kenwood Lodge) is positioned at the site entrance at the junction of Cherry Tree Road, Kenwood Road and St Andrews Road.

The House Extension Supplementary Planning Guidance referred to above includes a requirement for two storey dwellings which face directly towards each other to have a minimum separation of 21 metres; 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 to prevent adverse overshadowing and overbearing. 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.

#### Overlooking

Plots D and C are located closest to the western boundary of the application site, which is shared with the rear boundaries of No's 53-59a Cherry Tree Road. The side elevation of Plot D is within approximately 4 metres of the rear boundary of No's 59a and 59. One window is proposed at first floor, and a window at second

floor level which is set back. These windows serve a bathroom and dressing room and conditions can secure obscure glazing to ensure no adverse overlooking back towards the rear garden of Nos 59a and 59 and their neighbours.

Amended plans have been received which show that the roof terrace to Plot D has been removed in part and replaced with a green roof to the section closest to boundary with No's 59a and 59. Furthermore, a privacy screen has been introduced to the section of roof which is to be accessible to occupiers to prevent views to and from the terrace of Plot D and No's 59a and 59.

The amended plans also show the flat roof to Plot C closest to the boundary with 55 and 57 being a green/brown roof with the terraced area located away from this shared boundary. There is a bedroom window at first floor level in Plot C which looks over the proposed new driveway, located approximately 5 metres away from the shared boundary with No. 55 and 57.

Main facing windows in the upper floors of the rear elevation of the houses along Cherry Tree Road are approximately 32 metres at the closest to main habitable windows in the proposed new houses which is significantly above the recommended distance in the SPG of 21 metres. Furthermore, the proposed new houses are set at a lower level by approximately 4 metres taking account of the natural fall in land from the houses along Cherry Tree Road down their tiered gardens to the application site.

A landscape strip is proposed along the boundary between the new houses and the existing houses along Cherry Tree Road which will provide some screening.

Windows in Plots A and B are set further away from the boundary of the site with the houses along Cherry Tree Road, and as such no adverse overlooking will be created.

Planning permission was granted for the nearby stable block which included the erection of a new dwelling. There are no habitable windows in the side of Plot A looking towards the stable block houses, and the roof terrace is now positioned on the opposite side of the building to ensure no adverse overlooking.

#### Overbearing and overshadowing

The proposed new houses are north/east and east of the houses along Cherry Tree Road, at a lower level by approximately 4 metres. Guidelines in the SPG recommend that a two-storey building should not be placed closer than 12 metres from a ground floor main habitable window. The closest relationship between the proposed new dwellings and the existing neighbours is that between Plot D and 59 and 59A Cherry Tree Road, where there is approximately 23.5 metres, with the new dwellings set approximately 4 metres lower. Therefore, no adverse overbearing or overshadowing will be created by the proposal.

All other properties within the wider area, including those under construction within the stable block development are sufficient distance away from the proposed 4 new units.

## Noise and Disturbance

Access to the site is obtained from existing access at the junction with Kenwood Road, Cherry Tree Road and St Andrews Road, which runs within close proximity of No.53 Kenwood Road. This is an existing access which serves the Hotel complex, and the noise and disturbance from the vehicular movements associated with the 4 new houses will not be significant.

Plots D has its driveway running close to the rear boundary of the houses along Cherry Tree Road. The driveway is positioned at a lower level than the houses and approximately 20 metres away. A landscape strip is proposed along the boundary which will limit car head lights shining into the existing properties, so there will be no adverse noise and disturbance, and a condition can ensure that this is coupled with an appropriate boundary treatment whilst this landscape strip establishes.

## Amenity for Future Occupiers.

The South Yorkshire Residential Design Guidance (SYRDG) suggests 93 square metres floor area as a minimum for a 4 bedroom plus unit, with the National Space Standards recommending between 116-134 square metres for the 5-bedroom house over three floors. In this instance all plots have a gross internal area double the recommended guidelines (264-312 square metres) with occupiers having a good outlook from habitable rooms. In addition, occupiers of each unit have access to a good-sized private garden and roof terrace area in excess of the SPG (50 square metres) and SYRDG (60 square metres) guidelines. Furthermore, privacy screens have been incorporated into the plans to ensure that when future occupiers are using the roof terraces, each will be afforded privacy if the other roof terraces are being used.

The Hotel use adjacent does host weddings and other functions, and so inevitably there could be some noise breakout from the Hotel building. This is considered not to be to a detrimental level and will not cause significant harm to future residents, who in addition, would be aware of that when they were choosing to live within the grounds of an existing Hotel use.

## Living Conditions Conclusion

It is inevitable that there will be a change to the outlook from those properties closest to the application site, with the aspect from the rear of the houses and gardens over this parcel of land. However, the proposed development is considered to be sensitive to the location of the existing properties and is not considered to create an adverse level of overlooking, overbearing or overshadowing which would warrant refusal of the application.

Therefore, the application complies with policies H14 of the UDP and paragraph 130 of the NPPF.

## Highways Impact

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 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.'

Those 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 main entrance to the hotel is by the signposted access along Kenwood Road. The Banqueting Hall which could accommodate up to 200 guests, is then serviced by two access points (which are currently gated) onto Kenwood Road which are located approximately 90 metres to the west of the main hotel entrance. A further access point is located along Cherry Tree Road close to the junction with Kenwood Road and St Andrews Road. These access points have historically provided access and egress from the site.

It is proposed to access the development from Cherry Tree Road, with this access point remaining unaltered. A one-way route through the site would lead around to the proposed houses, and then egress from the site would take place onto Kenwood Road from the eastern access point which is to be retained (adjacent to the former banqueting hall, and site of the approved apartment scheme Block A).

The existing use of the access points is currently low due to limited use of the banqueting hall, however when the banqueting hall was in use, it would see quite intensive use of the access points.

The wider site currently benefits from permission for the construction of 9 apartments within Block A, and works are underway for the conversion of the former stable block site to provide 3 houses. This application would therefore increase the number of dwellings on the site by a further 4 units. Whilst this may increase the traffic generated at present, it would not be of such a magnitude to represent any detriment to the safety or operation of the highway network.

The Council's revised parking guidelines set out maximum standards in accordance with Core Strategy Policy CS53, and for a 4 bedroom unit 3 spaces are required as a maximum and 1 space per 4 units for visitors. In this instance,

the proposal includes parking provision of at least 4 spaces per dwelling which is acceptable.

The level of parking is considered appropriate for this location, and the introduction of the one-way route through the site will improve the access/egress from the site which is considered favourable. The proposal is considered to not pose a severe impact on the surrounding highway network, or highway safety, complying with UDP, Core Strategy and NPPF policies as listed above.

#### - Landscaping

UDP Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected. Policy BE6 (Landscape Design) expects good quality design in new developments 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 and therefore be relevant to this assessment on the basis that paragraph 130 expects appropriate and effective landscaping, along with sympathetic developments including landscape setting.

The site is within the Nether Edge Conservation Area and as such the trees within the site are protected, but it does also contain a group Tree Preservation Order (TPO) which was put on the site prior to it becoming a conservation area.

5 prominent trees along the eastern boundary of the site, within or close to the formal lawn are to be retained. These include T21, a high-quality Sycamore Tree, T22 a moderate quality Austrian Pine, T23 a moderate quality Yew, T27 a moderate quality Austrian Pine and amended plans show the retention of T20, a moderate quality Yew tree. It is also proposed to retain the Group G9 which is identified in the report above as the group of evergreen trees to the southwest corner of the original Hall and adjacent to the raised terraces.

A tree survey has been submitted with the application and colleagues from the Environmental Planning Team (Landscape) have visited the site. The site has not been extensively managed in recent years, with this area containing a number of trees which are in close proximity to each other. Whilst it is clear that the tree losses are inevitable in order to facilitate the development, some of the trees are identified as having defects which is likely to limit their future prospects.

A replanting scheme is proposed which shows the band of trees along the driveway from Cherry Tree Road (which have outgrown their locations in some cases, thus reducing its landscape and aesthetic values on entering the site). It is proposed manage this area and provide new tree planting to mitigate for the necessary tree removal in what is considered to be an important view into the site. Amended plans have been received which show the enlargement of the

planting/landscape strip to the front of Plots A and B, and green/brown roofs have been included on the majority of the roof spaces. All boundary treatments demarking the individual plots are proposed as hedging and these features can be conditioned to ensure that new trees and hedging is of an extra heavy standard and native to the conservation area.

In conclusion, the trees which individually are of high or moderate quality along the eastern boundary of the site are being retained, as is the group of evergreen trees adjacent to the original Hall. The replacement landscaping plans for the wider site, and the landscaping within each of the 4 new plots are acceptable. Consequently, the proposal complies with paragraph 130 of the NPPF and UDP policy.

#### - Ecology and Biodiversity

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.

NPPF paragraph 174 a) and d) identifies that planning decisions should contribute to and enhance the natural and local environment, minimise impacts on and provide net gains in biodiversity. Furthermore, paragraph 180 a) identifies that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Part d) of paragraph 180 goes on to state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Local policy aligns with the NPPF and is therefore relevant to this assessment.

An ecology survey was carried out accompanying the application for Block A as originally submitted which sought permission for the erection of Block A and for the erection of 27 units within Block B and C which occupied a similar location to the proposed 4 houses in this application. (Block's B and C were then omitted from the application by the applicant before a decision was issued).

An updated Ecology survey has been submitted with this application dated August 2020. This details that there was no new evidence of bat roosts within this part of the site, with internal and external inspections undertaken of the brick built timber fronted outbuildings and the glass house building. A precautionary working method was recommended when removing the buildings on site. A number of trees providing suitable bird nesting habitats are to be removed, and it is intended that this will be undertaken outside of the nesting season or will be preceded by a nesting bird check by a suitably experienced ecologist.

There is a badger sett in the southern section of the site closest to the proposed Plot D. Survey work, including infra red cameras, has been carried out in 2019 and 2020 which showed the sett was partially active. This sett will need to be closed

under a Natural England Licence. It is proposed to create an artificial sett within the wider grounds of the Hotel site away from the development to mitigate for its loss. This needs to be carried out under strict guidelines and under Licence from Natural England, between July and November, and the existing sett can only be closed once the badgers have relocated to the new artificial sett.

A number of bio-diversity measures are proposed, including the use of soft landscaping using native and ecologically valuable species to the gardens, landscaping strips, hedges to form the boundaries of the plots, and the green/brown roofs. A condition on any approval can ensure these details are controlled and that bat and bird boxes are positioned on the new buildings/within the grounds.

Therefore, whilst there are protected species on the site, mitigation measures can ensure that they are protected and not harmed complying with Policy GE11 and paragraphs 174 and 180 of the NPPF.

#### - 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.
- Adopting sustainable drainage systems.

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.

Policy CS64 'Climate Change, Resources and Sustainable Design of Development' sets out a suite of requirements in order for all new development to be designed to reduce emissions. In the past residential developments had to achieve Code for Sustainable Homes Level Three to comply with Policy CS64. This has however been superseded by the introduction of the Technical Housing Standards (2015), which effectively removes the requirement to achieve this standard for new housing developments.

Policy CS65 'Renewable Energy and Carbon Reduction' of the Core Strategy sets out objectives to support renewable and low carbon energy generation and further reduce carbon emissions. This is supported by Paragraph 157 of the NPPF and therefore can therefore be given substantial weight.

New developments of 5 or more houses are expected to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable, low carbon energy, or a 'fabric first' approach where this is deemed to be feasible and viable.

Whilst this site is for 4 houses, the agent has confirmed a fabric first approach is to



be implemented in this instance, which seeks to minimise heat loss, with future occupants having the ability to choose between de-carbonised air-source (or ground sourced) heat pumps, or more conventional systems. Green roofs are proposed to a large section of each of the units.

All new hardstanding areas within the new houses such as the driveways and patios are permeable, with the exception of the roadways within the wider site. Sustainable Urban Drainage Systems (SUD's) are proposed, which includes attenuation storage for the 1 in 100 year plus climate change event, and this will be underground in cellular units or porous subbase within the parking areas. This is estimated to be around 52 cubic metres.

Relevant conditions can be attached to any approval to ensure that these features are provided and the 10% target is met.

Overall, it is considered that the proposal meets the local sustainability policy requirements, CS63, CS64 and CS65 and the NPPF.

#### - Flood Risk/Drainage

Policy CS67 'Flood Risk Management' of the Core Strategy states that the extent and impact of flooding should be reduced. It seeks to ensure that more vulnerable uses (including housing) are discouraged from areas with a high probability of flooding. It also seeks to reduce the extent and impact of flooding through a series of measures including limiting surface water runoff, through the use of Sustainable drainage systems (SUDS), de-culverting watercourses wherever possible, within a general theme of guiding development to areas at the lowest flood risk.

Policy CS67 is considered to align with Section 14 of the NPPF. For example, paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided and development should be directed away from areas at the highest risk. Paragraph 167 states that when determining applications, Local Planning Authority's should ensure that flood risk is not increased elsewhere with relevant applications being supported by a Flood Risk Assessment. Paragraph 169 expects major developments to incorporate sustainable drainage systems unless there is clear evidence to demonstrate otherwise.

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 runoff, permeable paving to all hardstanding areas (excluding the roadways within the wider site) is proposed. A condition on any approval can ensure that calculations are submitted demonstrating a reduction in surface water run-off and allowing for the 1 in 100-year event plus +30% for climate change.

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

#### - Community Infrastructure Levy

CIL has now been formally introduced; it applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. In this instance 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'.

Affordable Housing.

Core Strategy Policy CS40 'Affordable Housing' requires that all new housing developments over and including 15 units to contribute towards the provision of affordable housing where this is practicable and financially viable.

The Council's Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (December 2015) includes guidance on affordable housing and is based on gross internal floor space. The proposed development lies within an area where there is a required level of contribution of 10% identified in Guidelines GAH1 and GAH2 of the Planning Obligations document.

In this instance this application seeks permission for 4 detached dwellings. However, development within the grounds of the Hotel should be treated as a whole, and not disaggregated. Therefore, the cumulative effect of all the developments within the Hotel should be taken into consideration. At the time of submission this included the 3 houses within the stable block which is currently being implemented, and the extant permission for 9 units within Block A, which would trigger the requirement for affordable housing.

However, a legal agreement has now been entered into, signed and sealed to rescind the 9 units within Block A and replace it with the 7-unit scheme referred to in the planning history above, and therefore there remains less than 15 units within the grounds of the Hotel, and the affordable housing threshold is not reached.

## RESPONSE TO REPRESENTATIONS

The majority of comments raised in the representations have been covered in the main body of the report. The outstanding comments are referenced below:

- Noise and disturbance are an avoidable consequence of development. Construction hours are controlled through other legislation, and a relevant directive will be added to any decision to remind the developer of their obligations.
- The Ecology survey was updated in August 2020 just prior to the submission of the application.
- Regarding the one-way system to be imposed on the occupier of No. 53 Kenwood Road, this property is owned by the Hotel and it is believed that there a private arrangement between the Hotel and the occupier regarding the access.

## SUMMARY AND RECOMMENDATION

This application seeks planning permission for the erection of 4 dwellings on the site.

Sheffield has updated its 5 year housing land supply position to reflect the deliverability of sites as at 1 April 2021 and in relation to the local housing need figure at that date taking account of the 35% urban centres uplift. Using up to date evidence, Sheffield can demonstrate a 4 year deliverable supply of housing land, with details set out in the 5 Year Housing Land Supply Monitoring Report.

Therefore, 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 as automatically out-of-date according to paragraph 11(d) of the Framework. The so called 'tilted balance' is triggered, and planning permission for housing 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 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 4 additional homes will make a small contribution to meeting the current shortfall. There would be economic benefits though expenditure in construction, in the supply chain, and in local spending from residents.

The proposal is not considered to create any significant or severe highway safety issues. The scheme proposes a development at an appropriate scale and mass which sits comfortably within its setting and is a good quality contemporary scheme. There are no adverse impacts on occupiers of neighbouring properties.

The scheme proposes a high-quality scheme, which is considered overall to result in less than substantial harm to the designated heritage asset (Nether Edge Conservation Area). In accordance with paragraph 202 of the NPPF this harm should therefore be balanced against any public benefits. The public benefits of the proposal are that it would deliver 4 units to the housing market, which would provide employment opportunities during construction. These benefits would outweigh the harm in this instance. There is also no significant harm or loss to the non-designated heritage asset, in this instance the local listed garden.

In considering the impact on heritage assets (in line with footnote 7 to paragraph 11 d) i)) it has been concluded that application of NPPF policy does not provide a clear reason for refusal as the less than substantial harm is outweighed by public benefit.

There are 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 Framework, the application is recommended for approval subject to conditions.

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of City Growth Department

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**Date:** 14 June 2022

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Abby Hartley

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**Summary:**

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

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## 1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

## 2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of single-storey rear extension, canopy over front door and amendments to existing elevations at Totley Grove Cottage, Totley Grove, Hillfoot Road, Totley, Sheffield, S17 3AX (Case No:- 22/00617/FUL).

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of two/single-storey side extension with hip to gable roof and integral garden store (Re-Submission of planning application number 21/00008/FUL) at 42 Westfield Crescent, Sheffield, S20 5AQ (Case No:- 21/03453/FUL).

## 3.0 APPEALS DECISIONS – DISMISSED

Nothing to report.

## 4.0 APPEALS DECISIONS – ALLOWED

Nothing to report.

## 5.0 CIL APPEALS DECISIONS

Nothing to report.

## 6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

## 7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report.

## 8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

## 9.0 RECOMMENDATIONS

That the report be noted.

*Michael Johnson*  
Head of Planning

*14 June 2022*

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