

Planning and Highways Committee

Tuesday 6 December 2022 at 1.00 pm

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

The Press and Public are Welcome to Attend

Membership

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

Substitute Members

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

PUBLIC ACCESS TO THE MEETING

The Planning and Highways Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues. A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Recording is allowed at Planning and Highways Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings. Planning and Highways Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

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 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 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

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
6 DECEMBER 2022**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 16)
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. Tree Preservation Order No. 456 - Cartmell Hill, Woodseats, S8 0RG** (Pages 17 - 28)
Report of the Head of Planning
- 8. Tree Preservation Order No. 457 - Quarry Hill Cottage, Wood Royd Road, Deepcar, S36 2TA** (Pages 29 - 44)
Report of the Head of Planning
- 9. Applications Under Various Acts/Regulations** (Pages 45 - 46)
Report of the Head of Planning
- 9a. DEFERRED FROM LAST MEETING - Planning Application No. 22/00491/OUT - 9 - 11 Wood Royd Road, Sheffield, S36 2TA** (Pages 47 - 104)
- 9b. Planning Application No. 20/03766/OUT - Land At And Adjacent Meadowhall Centre, Meadowhall Way, Sheffield Road And Vulcan Road, M1 Distribution Centre, Vulcan Road And The Source, 300 Meadowhall Way, Sheffield, S9 1EQ** (Pages 105 - 232)
- 9c. Planning Application No. 22/01692/FUL - 100A Basford Street, Sheffield, S9 5BJ** (Pages 233 - 248)
- 9d. Planning Application No. 22/03685/FUL - Land Opposite Holme Head Wheel Dam, Rivelin Valley Road, Sheffield, S6** (Pages 249 - 262)

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- 9e. Planning Application No. 22/02768/FUL - 218 Wortley Road, High Green, Sheffield, S35 4LX** (Pages 263 - 286)
- 9f. Planning Application No. 22/02840/FUL - Garage Site At Rear Of 23 To 31 Hanson Road, Sheffield, S6 6RF** (Pages 287 - 298)
- 10. Record of Planning Appeal Submissions and Decisions** (Pages 299 - 306)
Report of the Head of Planning
- 11. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 10th January 2022 at 2pm in the Town Hall.

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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 David Hollis, Interim Director of Legal and Governance by emailing david.hollis@sheffield.gov.uk.

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 8 November 2022

PRESENT: Councillors Alan Woodcock (Joint Chair), Nighat Basharat, Mike Chaplin, Tony Damms, Roger Davison, Brian Holmshaw, Barbara Masters, Cliff Woodcraft and Tony Downing (Substitute Member)

1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Dianne Hurst, Bob McCann, Peter Price and Garry Weatherall.
- 1.2 Councillor Tony Downing attended as substitute for Councillor Dianne Hurst.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 Councillor Brian Holmshaw raised a Point of Order regarding the possible deferral of Agenda Item No. 9e - Planning Application No. 22/01617/FUL - 39-43 Charles Street and 186-194 Norfolk Street, Sheffield, S1 2HU. The Legal Officer advised that this should be raised at the appropriate point in the meeting.
- 3.2 Councillor Alan Woodcock declared a personal interest in Agenda Items 9b and 9c, Planning Application No. 22/02585/FUL and 22/02586/LBC - Mobri Bakery, St Mary's Lane, Ecclesfield, Sheffield, S35 9YE, as a local ward member. Councillor Woodcock declared that would vacate the Chair and speak on the application as a ward Member. He would take no part in the voting thereon.

4. MINUTES OF PREVIOUS MEETING

- 4.1 **RESOLVED UNANIMOUSLY:-** that the minutes of the meeting of the Committee held on 11th October 2022 were approved as a correct record.

5. SITE VISIT

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

6. TREE PRESERVATION ORDER NO. 451, 2 BROOMGROVE ROAD, SHEFFIELD, S10 2LR

- 6.1 The signed Variation Order was included within a supplementary report circulated and summarised at the meeting.
- 6.2 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 6.3 The trees had been implicated in a number of planning applications and upon inspection were found worthy of protection.
- 6.4 One objection had been received which was outlined in the report, along with the officer response.
- 6.5 **RESOLVED:-** That Tree Preservation Order No. 451 be confirmed unmodified.

7. TREE PRESERVATION ORDER NO. 458, 41 ST ANDREWS ROAD, NETHER EDGE, SHEFFIELD, S11 9AL

- 7.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 7.2 The tree was subject to a Section 211 notice stating intended removal of the tree.
- 7.3 The Community Tree Officer had visited the site and carried out a TEMPO assessment which had identified the tree as suitable for protection.
- 7.4 No objections had been received.
- 7.5 **RESOLVED:-** That Tree Preservation Order No. 458 be confirmed unmodified.

8. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

8a. PLANNING APPLICATION NO. 22/03144/FUL - 27 BLACKBROOK DRIVE, SHEFFIELD, S10 4LS

- 8a.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.

8a.2 The Committee considered the report and recommendation 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.

8a.3 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, for alterations and extension to roof to form front and rear gables and a side dormer extension to form additional living accommodation at first floor level, and a flat roof single storey extension to the rear (amended description) at 27 Blackbrook Drive, Sheffield, S10 4LS (Application No. 22/03144/FUL)

8b. PLANNING APPLICATION NO. 22/02585/FUL - MOBRI BAKERY, ST MARY'S LANE, ECCLESFIELD, SHEFFIELD, S35 9YE

8b.1 Having previously declared his interest, the Chair asked for nominations to chair the next two items on the agenda. Councillor Barbara Masters moved that Councillor Mike Chaplin be appointed as Chair and this was seconded by Councillor Brian Holmshaw. On being put to the vote, the motion was passed and Councillor Mike Chaplin took the Chair.

8b.2 Additional representations, along with the officer response and an additional condition were included within the supplementary report circulated and summarised at the meeting.

8b.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.

8b.4 Vicky Athorne, Kirsty Foster and Councillor Alan Woodcock attended the meeting and spoke against the applications

8b.5 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also had regard to representations made during the meeting.

8b.6 On being put to the vote, the officers recommendation was lost and it was:

8b.7 Moved by Councillor Barbara Masters and seconded by Councillor Roger Davison that the application be refused on the grounds that the property was a heritage asset that should be protected. Members considered that the compartmentalisation of the building to form a residential unit would harm the

character and special interest of the listed building, with particular reference to the cruck frame. They considered that the tilted balance was not in play, having regard to NPPF Paragraph 11d)i because of the harm to a designated heritage asset which, they considered, gave a clear reason for refusing the development.

8b.8 RESOLVED that:-

1. An application for planning permission for the demolition of outbuildings and use of former bakery/cafe (Use Class E) as a dwellinghouse (Use Class C3) with associated alterations to fenestration and landscaping (Re-submission of 21/03292/FUL) at Mobri Bakery St Mary's Lane Ecclesfield Sheffield S35 9YE (Application No. 22/02585/FUL) be REFUSED on the grounds that in converting the building to residential use, it would lead to a compartmentalisation of the space which would result in the special significance of this Grade 2 listed building (the cruck frame) being diminished. This less than substantial harm is not outweighed by the public benefits of the proposal; and
2. Members agreed that the final wording of the reason for refusal with the correct policy references should be delegated to the Head of Planning in conjunction with the co-opted Chair for this item.

8c. PLANNING APPLICATION NO. 22/02586/LBC - MOBRI BAKERY, ST MARY'S LANE, ECCLESFIELD, SHEFFIELD, S35 9YE

- 8c.1 Additional representations, along with the officer response and an additional condition were included within the supplementary report circulated and summarised at the meeting.
- 8c.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.
- 8c.3 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also had regard to representations made during the meeting under the previous, associated, Application No. 22/02585/FUL.
- 8c.4 On being put to the vote, the officers recommendation was lost and it was:
- 8c.5 Moved by Councillor Barbara Masters and seconded by Councillor Roger Davison that the application be refused on the grounds that the property was a heritage asset that should be protected. Members considered that the compartmentalisation of the building to form a residential unit would harm the character and special interest of the listed building, with particular reference to the cruck frame. They considered that the tilted balance was not in play, having

regard to NPPF Paragraph 11d)i because of the harm to a designated heritage asset which, they considered, gave a clear reason for refusing the development.

8c.6 RESOLVED that:-

1. An application for Listed Building Consent for the demolition of outbuildings and use of former bakery/cafe (Use Class E) as a dwellinghouse (Use Class C3) with associated alterations to fenestration and landscaping at Mobri Bakery, St Mary's Lane, Ecclesfield, Sheffield, S35 9YE (Application No. 22/02586/LBC) be REFUSED on the grounds that in converting the building to residential use, it would lead to a compartmentalisation of the space which would result in the special significance of this Grade 2 listed building (the cruck frame) being diminished. This less than substantial harm is not outweighed by the public benefits of the proposal; and
2. Members agreed that the final wording of the reason for refusal with the correct policy references should be delegated to the Head of Planning in conjunction with the co-opted Chair for this item.

8d. PLANNING APPLICATION NO. 22/01805/FUL - LAND AT JUNCTION OF DERBYSHIRE LANE AND NORTON LEES ROAD, MEERSBROOK, SHEFFIELD, S8 9EL

- 8d.1 Councillor Alan Woodcock re-took the chair.
- 8d.2 A condition deletion was included within the supplementary report circulated and summarised at the meeting.
- 8d.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.
- 8d.4 The Committee considered the report and recommendation 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.
- 8d.5 **RESOLVED:-** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, for demolition of existing dwelling and outbuildings and erection of 11 flats (7 x 2-bedroom and 4 x 1-bedroom) with 2 off-street parking spaces and associated hard and soft landscaping works at Land at junction of Derbyshire Lane and Norton Lees Road, Meersbrook, Sheffield, S8 9EL (Application No. 22/01805/FUL)

8e. PLANNING APPLICATION NO. 22/01617/FUL - 39-43 CHARLES STREET AND 186-194 NORFOLK STREET, SHEFFIELD, S1 2HU

- 8e.1 Councillor Brian Holmshaw moved that the application should be deferred to allow local residents and ward members more time to make their representations because he stated that they had not been consulted. The Officer explained to the Committee the nature of the publicity which had been carried out, which included direct neighbour notification to affected residents; a notice in the Sheffield Telegraph; and notices posted adjacent to the site. This is in line with the statutory requirements for publicising planning applications as well as the Council's Statement of Community Involvement and Code of Practice for publicity. The motion was not seconded, so the application proceeded to be heard.
- 8e.2 Additional representations, along with the officer response were included within the supplementary report circulated and summarised at the meeting.
- 8e.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.
- 8e.4 Ann Walton attended the meeting and spoke against the application.
- 8e.5 Steve Davis and Chloe Parmenter attended the meeting and spoke in support of the application.
- 8e.6 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also had regard to representations made during the meeting.
- 8e.7 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, for demolition of existing buildings and erection of 6-storey office building (Use Class E) with ground floor commercial unit (flexible retail and/or other Use Class E), with associated cycle parking (Resubmission of 21/02206/FUL) at 39 - 43 Charles Street and 186 - 194 Norfolk Street, Sheffield, S1 2HU (Application No. 22/01617/FUL).

8f. PLANNING APPLICATION NO. 22/00491/OUT - 9 - 11 WOOD ROYD ROAD, SHEFFIELD, S36 2TA

- 8f.1 Councillor Nighat Basharat left the meeting during discussion of this item.
- 8f.2 An additional representation, along with the officer response and corrections to the list of conditions were included within the supplementary report circulated and summarised at the meeting.

- 8f.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.
- 8f.4 Adam Timm, Mark Whittaker, Julie Brearley, Councillor Lewis Chinchon and Jenny Anderson attended the meeting and spoke against the application.
- 8f.5 Jim Lomas attended the meeting and spoke in support of the application.
- 8f.6 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also had regard to representations made during the meeting.
- 8f.7 Discussions took place regarding possible flooding risks and highway safety and it was moved by Councillor Tony Damms and seconded by Councillor Barbara Masters that the application be deferred to allow representatives from the Lead Local Flood Authority and Highways to attend the Committee to respond to Members questions in relation to these two matters.
- 8f.8 **RESOLVED:-** that an application for planning permission for outline planning application (all matters reserved except for access) for the partial demolition of the western gable of former farmhouse, retention of 2- storey barn, demolition of single-storey ancillary buildings, erection of up to 41 dwellinghouses, formation of vehicular access point and provision of open space and landscape buffer (Resubmission of application 19/03890/OUT) at 9 - 11 Wood Royd Road, Sheffield, S36 2TA (Application No. 22/00491/OUT) be DEFERRED to allow representatives from the Lead Local Flood Authority and Highways to attend the Committee to respond to Members questions in relation to these two matters.

9. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 9.1 The Committee received and noted a report of the Chief Planning Officer detailing planning appeals received, dismissed and allowed, and an enforcement appeal partially dismissed and partially allowed by the Secretary of State.
- 9.2 The enforcement appeal was on the land at Donkey Field, land at junction with Long Lane and Hagg Lane, Sheffield, S10 5PJ. The Inspector felt that most of the buildings did not affect the openness of the green belt, but one building was considered inappropriate. The Inspector concluded that the alleged material change of use and some of the operational development is unacceptably harmful to the Green Belt.

10. DATE OF NEXT MEETING

- 10.1 The next meeting of the Planning and Highways Committee would be held on

Tuesday 6th December 2022 at 2pm in the Town Hall.



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Head of Planning

Date: 6th December 2022

Subject: Tree Preservation Order No. 456

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

Summary: To seek confirmation of Tree Preservation Order No. 456

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 456 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No. and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Images of the tree

Category of Report: OPEN

Head of Planning

REPORT TO PLANNING & HIGHWAYS COMMITTEE

6th December 2022

Cartmell Hill, Woodseats, S8 0RG

TREE PRESERVATION ORDER NO. 456

1.0 PURPOSE

- 1.1 To seek confirmation of Tree Preservation Order No.456

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.456 ('the Order') was made on 4th August 2022 to protect a sycamore tree located at the side of the public footpath at Cartmell Hill, Woodseats. A copy of the Order, with its accompanying map, is attached as Appendix A.

- 2.2 T1 (as described in the Order) is positioned to the right of the public footpath at Cartmell Hill and on the rear boundary of 60 Todwick Road, Woodseats. The tree is therefore very visible and forms a prominent part of the street scene. Images of the trees can be seen at Appendix C.

- 2.3 On the 17th of May 2022 the Council received an email from a Councillor, requesting that the tree be protected with an Order. This request originated from a member of the public, who stated that trees directly adjacent to the sycamore had recently been removed, or inexpertly pruned, prompting concerns that the same may occur to the tree in question. The member of the public stated that the tree was an important landmark for the community, host to various nesting birds, and likely old, possibly being a remnant of a farm that stood on the site prior to its re-development in the 1930s.

- 2.4 In response to this request, Vanessa Lyons inspected the tree on 23rd June 2022 and conducted a Tree Evaluation Method for Preservation Orders (TEMPO) assessment. The tree was scored with 15 points which provided a clear recommendation for protection. It was therefore deemed expedient in the interest of amenity to make an order. A summary of the TEMPO can be found in Appendix B.

- 2.5 Objections.

No objections have been received.

3.0 VISUAL AMENITY ASSESSMENT

Visibility: A mature sycamore with a wide, spreading canopy of pleasing form. Situated in an elevated position at the foot of a public footpath that connects Cartmell Hill with Todwick Road, the tree is overlooked by various residential properties and is publicly prominent.

Condition: The tree is in good condition. At the time of inspection, the tree was in full leaf and displaying good vigour with relation to leaf colour, density of foliage and extension growth. The only notable defect at the time of inspection was some slight dieback to the central leader, cause unknown.

Longevity: The tree has an estimated 20–40-year retention span, meaning it will provide good amenity to the local area for many years to come.

Additional factors: Given the size of the tree's stem, it is very likely that the tree is old. The tree has been attributed to being a remnant of an old farm that stood on the site, however no verifiable historic evidence of this could be found, and therefore despite the trees assumed age, it did not score additional points on the TEMPO assessment for historical association.

Expediency: There is a perceived threat to the tree. The Council's officers have verified that numerous adjacent trees, situated on the border of a flat complex and properties on Todwick Road were removed or pruned inexpertly. It was the carrying out of those works which prompted third parties to become concerned that the same may befall T1, and a request that the Council make a TPO based on the tree's size and age was subsequently received. In the circumstances and in recognition of the potential that the same works may be carried out to T1, it was deemed expedient in the interests of amenity to make an order.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

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

5.2 Protection of the trees detailed in Tree Preservation Order No.456 will benefit the visual amenity of the local environment.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the

preservation of trees or woodlands in their area (Section 198, Town and Country Planning Act 1990).

- 7.2 A TPO may prohibit the cutting, topping, lopping, or uprooting of the trees which are the subject of the Order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.
- 7.3 The local authority may choose to confirm a TPO it has made. If an Order is confirmed, it will continue to have legal effect until such point as it is revoked. If an Order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.
- 7.4 A local authority may only confirm an Order after considering any representations made in respect of that order. No objections have been received in respect of the Order.
- 8.0 RECOMMENDATION
- 8.1 Recommend Provisional Tree Preservation Order No.456 be confirmed.

Michael Johnson, Head of Planning,

25th November 2022

Appendix A. Tree Preservation Order No. and map attached.

Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 456 (2022)
Cartmell Hill, Woodseats, Sheffield S8 0RJ

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

Citation

1. This Order may be cited as Tree Preservation Order No 456 (2022) – Cartmell Hill, Woodseats, Sheffield S8 0RJ.

Interpretation

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

Effect


3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.


Application to trees to be planted pursuant to a condition

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

Dated 4th AUGUST 2022

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


David Sellars.
DUTY AUTHORISED SIGNATORY



SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore (<i>Acer pseudoplatanus</i>)	SK 34396 83588

Trees specified by reference to an area

(within a dotted red line on the map)

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

Groups of trees



(within a solid red line on the map)

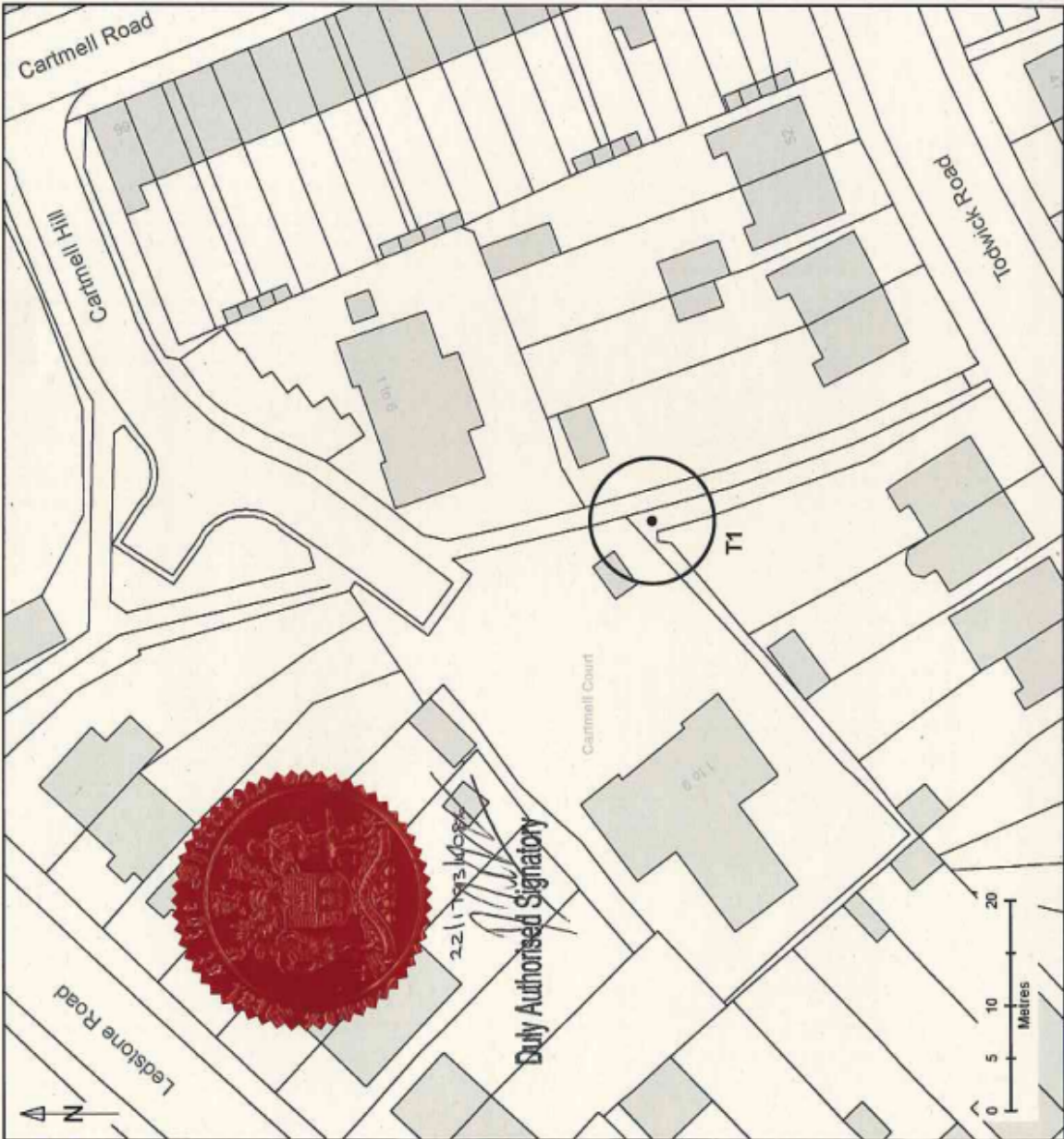
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
-------------------------	---	------------------

Woodlands

(within a continuous black line on the map)

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

Sheffield City Council Parks & Countryside Service			
TREE PRESERVATION ORDER No. 456			
Drawing No. A4/808/456			
Site address Cartmell Hill, Woodseats, Sheffield S8 0RJ			
Scale: 1:500 @ A4			
Drawn by MB		Date: 23/06/2022	
<div style="display: flex; align-items: center;"> <div style="margin-right: 10px;">  </div> <div> <p>Trees specified individually (circled in black on the plan)</p> </div> </div>			
<p>T1 Sycamore (Acer pseudoplatanus) (Tree directly to the right of the public footpath and on the rear boundary of 60 Todwick Road.)</p>			
<p>Trees specified by reference to an area - None Trees specified by reference to a group - None Trees specified by reference to a woodland - None</p>			
		SK 34396 83588	
Measurements shown approximately			



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Appendix B.

Tree Evaluation Method for Preservation Orders (TEMPO) assessment TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 23.06.22	Surveyor: Vanessa Lyons
Tree details TPO Ref 456 Owner (if known): Tree/Group T1 Species: Sycamore Location: Cartmell Hill, Woodseats.	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

** Relates to existing context and is intended to apply to severe irremediable defects only*

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

**Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

Score & Notes :

5. Mature tree, large DBH (unable to measure due to location next to fence. Tree in good health apart from some die back to central leader. Cause unknown. Of pleasing, open grown form.

Score & Notes

2. Conservative estimate.

c) Relative public visibility & suitability for TPO*Consider realistic potential for future visibility with changed land use*

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

5. Tree prominent, sitting at front of access to public path. Large status conferred due to canopy spread and DBH

d) Other factors*Trees must have accrued 7 or more points (with no zero score) to qualify*

- | | |
|--|--|
| 5) Principal components of formal arboricultural features, or veteran trees | Score & Notes

1.

Could argue for 3 here based on age of tree and habitat/ historic association- however no direct evidence at present of historical links |
| 4) Tree groups, or principal members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habitat importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | |
- 1) Trees with poor form or which are generally unsuitable for their location

Part 2: Expediency assessment*Trees must have accrued 10 or more points to qualify*

- | | |
|---|---|
| 5) Immediate threat to tree inc. s.211 Notice | Score & Notes

2 Perceived threat. Nearby trees felled/ inexpertly pruned by owners, probably for reasons of shade. Concern from residents that this may befall this tree and request to TPO due to age and size of tree. |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:**15****Decision:**

TPO defensible

Appendix C. Images of trees.



Image of tree shown facing south. The footpath joins Cartmell Hill with Todwick Road



Image showing inexperienced pruning of the sycamore to the right of the tree.



Image showing the tree from the bottom of the Cartmell Hill estate, overlooked by two flat complexes.



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Head of Planning

Date: 6th December 2022

Subject: Tree Preservation Order No. 457

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

Summary: To seek confirmation of Tree Preservation Order No. 457

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 457 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No. and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Images of the tree
- D) Objections

Category of Report: OPEN

Head of Planning

REPORT TO PLANNING & HIGHWAYS COMMITTEE

6th December 2022

Quarry Hill Cottage, Wood Royd Road, Deepcar, S36 2TA

TREE PRESERVATION ORDER NO. 457

1.0 PURPOSE

- 1.1 To seek confirmation of Tree Preservation Order No.457

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.457 ('the Order') was made on 4th August 2022 to protect three sycamore trees located on land adjacent to Quarry Hill Cottage, Wood Royd Road, Deepcar. A copy of the Order, with its accompanying map, is attached as Appendix A.
- 2.2 T1 and T2 (as described in the Order) are positioned adjacent to the boundary of the land and Wood Royd Road. T3 is slightly set back from the roadside and stands adjacent to a track which connects the land to the highway at Wood Royd Road. Images of the trees can be seen at Appendix C.
- 2.3 On the 29th of June 2022, a Landscape Officer within the Council requested that trees on the site be assessed for their suitability for protection under a Tree Preservation Order, following from receipt of a pre-application concerning creation of five dwelling houses on the land. An arboricultural report supplied with the pre-application listed eighteen individual trees on the land, and four groups of trees. All the trees, excluding the three sycamores, were assessed as being Category C quality: the report indicating these trees as being of relatively low amenity or quality. The three sycamores were classified as Category B, which was stated to mean trees of good quality and value and with a significant life expectancy. The pre-application indicated that several of the lower quality trees, and two of the three sycamores would require removal to facilitate the development. As the trees are not within a Conservation Area, they have no form of protection, and it was therefore deemed expedient to assess the suitability of all of the trees on site for protection under a Tree Preservation Order.
- 2.4 In response to this request, Vanessa Lyons inspected the trees on the 1st of July 2022 and conducted a Tree Evaluation Method for Preservation Orders (TEMPO) assessment. The trees on site which were evaluated as being suitable for protection were the three sycamores. They were scored with 13 points respectively which provided a recommendation for protection. It was therefore deemed expedient in the interest of amenity to make an order. A summary of the TEMPO can be found in Appendix B.

2.5 The land adjacent to Quarry Hill Cottage was also subject to a full planning application submitted on the 15th of July, reference 22/02662/FUL which regards the erection of a garage and workspace. This application looks unlikely to necessitate removal of the protected trees. The application is currently pending a decision.

2.6 Objections.

One duly made objection to the TPO was received by the Council on 24th of August 2022. A copy of the objection can be seen at Appendix D. The author states that there are no concerns with regards the making of an Order to protect T1 and T2, but that they wish to object to the making of an Order with respect to T3. The reason is that following advice from Planning Officers, the pre-application was amended to contain less dwellings, but that T3 would still be problematic in standing within the footprint of one building. The author noted that the area was not subject to any special terms, nor in a Conservation Area, and also states that that the pre-application in question has now been “shelved”.

While the local area is not in a Conservation Area, the land is subject to a pre-application which indicated the potential removal of several trees which are assessed as providing good levels of amenity to the area, and which have no other form of protection. Were a planning application to be made, the Council would be under its duty to ensure that, whenever it is deemed appropriate, planning conditions are used to provide for tree preservation and planting. The Council is also under a further duty to make Orders in respect of trees where it appears necessary in connection with the grant of permission.

The objection also notes that T3 stands close to overhead power lines and will be periodically subject to pruning to clear the lines by Northern Power Grid, and that were the tree to be struck by lightning and fall, it would hit the power cables with catastrophic results.

T3 does stand close to a power line and subsequently has been pruned to provide clearance to said lines, this work being the responsibility of Northern Power Grid in their position as a statutory undertaker. It can be expected that the tree will be periodically pruned by Northern Power Grid to maintain safe clearance. This work will not be hampered by the TPO, the work being exempt from the need for the Local Authority's consent, as defined within the Town and Country Planning (Tree Preservation) (England) Regulations 2012. It is the opinion of the assessing officer that the existing pruning does not overly impact upon the amenity of the tree, the level of pruning being relatively minimal and confined to select branches. It is likely that any necessary future pruning will involve periodic removal of regrowth and should therefore be of limited detriment to the tree. Although concerns around lightning strike are noted, the eventuality of this is seen as very unlikely, lightning being more likely to strike the tallest object in the vicinity, of which this tree, situated halfway up a hill, is not.

3.0 VISUAL AMENITY ASSESSMENT

Visibility: Three large, mature sycamores, two of which are situated directly adjacent to the boundary of the land with Wood Royd Road, and one which is slightly set back. All three trees are therefore visible to the public from the highway, and partially visible from select residences. The most complete view from the highway is of T3, this standing in an area clear of other vegetation, as it is adjacent to a track that links the property with the highway. T1 and T2 are partially obscured by vegetation, though were this to be removed to facilitate landscaping, the trees would become even more prominent on the street scene than they already are.

Condition: Due to surrounding vegetation, it was not possible to conduct a full inspection of the bases of each tree. However, at the time of inspection, the trees were in leaf and displaying good overall vigour. No notable defects were seen. This concurs with the findings of an arboricultural report which was commissioned for the purposes of the pre-application.

Longevity: The trees have an estimated 20–40-year retention span, meaning it they provide good amenity to the local area for many years to come.

Expediency: Foreseeable threat, the trees being subject to a pre-application which indicted the removal of two of the three trees. As the trees do not stand within a Conservation Area, they have no formal form of protection.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

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

5.2 Protection of the trees detailed in Tree Preservation Order No.45 will benefit the visual amenity of the local environment.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

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

- 7.2 A TPO may prohibit the cutting, topping, lopping, or uprooting of the trees which are the subject of the Order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.
- 7.3 The local authority may choose to confirm a TPO it has made. If an Order is confirmed, it will continue to have legal effect until such point as it is revoked. If an Order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.
- 7.4 A local authority may only confirm an Order after considering any representations made in respect of that order. One objection has been received in respect of the Order and is addressed at section 2.6.
- 8.0 RECOMMENDATION
- 8.1 Recommend Provisional Tree Preservation Order No.457 be confirmed.

Michael Johnson, Head of Planning,

25th November 2022

Appendix A. Tree Preservation Order No. and map attached.

Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 457 (2022)
Quarry Hill Cottage, Wood Royd Road, Deepcar, S36 2TA

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

Citation

1. This Order may be cited as Tree Preservation Order No 457 (2022) – Quarry Hill Cottage, Wood Royd Road, Deepcar, S36 2TA.

Interpretation

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

Effect


3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.


Application to trees to be planted pursuant to a condition

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

Dated 4TH AUGUST 2022

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


DUTY AUTHORISED SIGNATORY



SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore (<i>Acer pseudoplatanus</i>)	SK 28098 98109
T2	Sycamore (<i>Acer pseudoplatanus</i>)	
T3	Sycamore (<i>Acer pseudoplatanus</i>)	

Trees specified by reference to an area

(within a dotted red line on the map)

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

Groups of trees




(within a solid red line on the map)

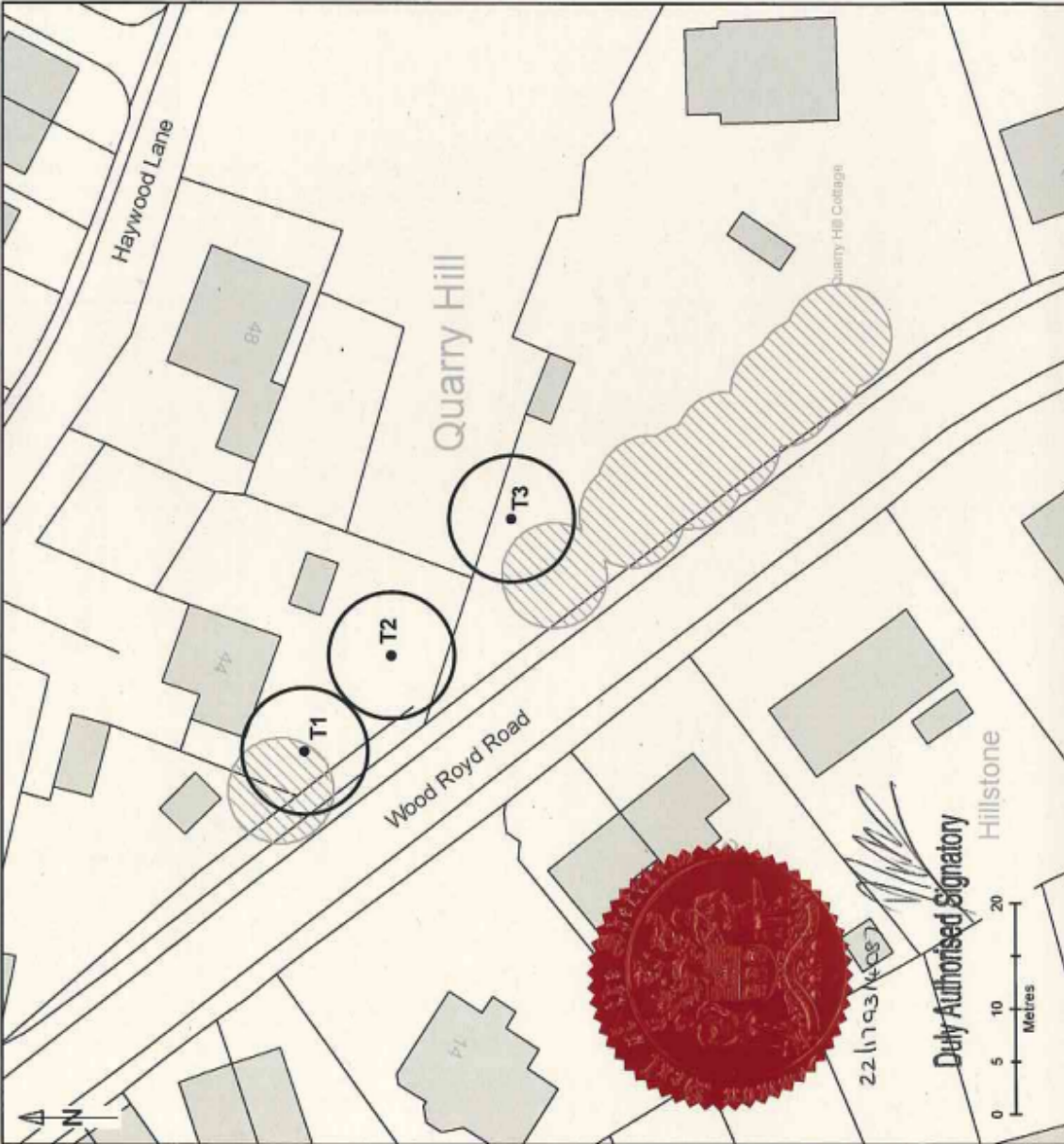
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>

Woodlands

(within a continuous black line on the map)

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

Sheffield City Council Parks & Countryside Service	
TREE PRESERVATION ORDER No. 457	
Drawing No. A4/808/457	
Site address Quarry Hill Cottage Wood Royd Road, Deepcar Sheffield S36 2TA	
Scale: 1:500 @ A4	
Drawn by MB	Date: 05/07/2022
<div style="display: flex; justify-content: space-around;"> <div>  <p>Trees specified individually (circled in black on the plan)</p> </div> <div>  <p>Trees which are not included in the TPO</p> </div> </div> <div style="margin-top: 10px;"> <p>T1 Sycamore (Acer pseudoplatanus)</p> <p>T2 Sycamore (Acer pseudoplatanus)</p> <p>T3 Sycamore (Acer pseudoplatanus)</p> </div> <div style="margin-top: 10px;"> <p>Trees specified by reference to an area - None</p> <p>Trees specified by reference to a group - None</p> <p>Trees specified by reference to a woodland - None</p> </div>	
SK 28098 98109 Measurements shown approximately	



22179314087

Duty Authorised Signatory

Hillstone

0 5 10 20
Metres

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Appendix B. Tree Evaluation Method for Preservation Orders (TEMPO) assessment

SURVEY DATA SHEET & DECISION GUIDE

Date: 01.07.22	Surveyor: Vanessa Lyons
Tree details TPO Ref 457 Owner (if known):	
Tree/Group 3x sycamore Species: Sycamore Location: Quarry Hill Cottage, Wood Royd Road, Deepcar	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

** Relates to existing context and is intended to apply to severe irremediable defects only*

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

**Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

Score & Notes :

**3. Not able to assess trees fully, due to slope and vegetation.
Tree survey from AWA states trees in good condition and notes them as category B**

Score & Notes

2. Conservative estimate.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

4. Trees are large, current view obscured somewhat by other vegetation. Reasonable to assume some of this will be removed during development leaving protected trees in more exposed setting

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

- 1. Though if classified as a group, 4 could be argued here. Trees form a cohort of mature sycamore, of similar age and stature.**

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

3. Pre-application received, implementation of which would necessitate removal of trees.

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:

13

Decision:

TPO defensible

Appendix C. Images of the trees



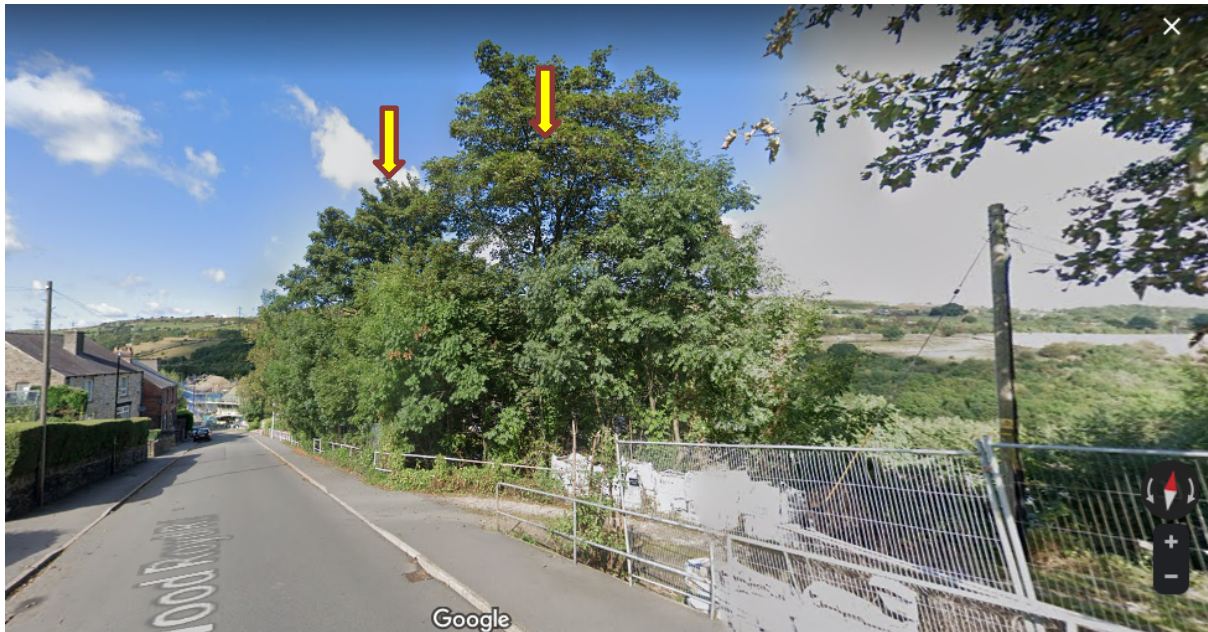
T1, partially obscured by lower quality, young trees, taken looking north-east from Wood Royd Road.



T2, partially obscured by lower quality vegetation, taken looking north-east from Wood Royd Road



T3, shown looking west from within the curtilage of Quarry Hill Cottage.



T1 and T2 shown from Wood Royd Road looking north-west. Image taken from Google Streetview.



T2 and T3 shown from Wood Royd Road looking north-east. Image taken from Google Streetview.

Appendix D. Objection Letter.

Received by RBS

9 SEP 2022

August 24th 2022

Ref: LS/RC/2838013

Dear Team,

I write with regard to the associated TPO #457 and would like to respectfully make an appeal against 'T3', as illustrated on your accompanying drawing #A4/808/457.

My reasons are two fold and are not anti-tree in any way, quite the contrary.

Firstly, I recently submitted, via an Architect, a pre-planning application [REDACTED] on the westerly portion of our land, resulting in positivity but which has now been shelved.

The initial submission was altered to accommodate a reduced number of dwellings to create a more discerning and acceptable development following a summary by the Planning Officer [REDACTED]

[REDACTED] However, T3, a self seeded Sycamore of significant scale, clashes with one of the proposed positions of a dwelling that was carefully situated to balance the development. Further, it has been established that the location is not subject to any special terms, nor is it in an area on conservation.

T1 and T2 are of no concern.

The second point, of more importance in terms of risk, is that T3 stands precariously close to a number of live overhead powerlines that supply several homes including ours, and are managed by Northern PowerGrid. They have an obligation to ensure adequate clearance of lines to avoid the occurrence of dangerous incidents. Indeed, a visit was scheduled for August 23rd 2022 (ref: 220728-002308), but was abandoned just minutes before it was scheduled to begin. Perhaps they saw the TPO notices!

In my opinion, if this tree was to be struck by lightning or was subject to other storm damage or subsequent rot that could cause any part of it to fall onto the lines at any point in time, the results could be catastrophic, affecting several dwellings and causing unnecessary expense.

It is hoped that careful consideration could be given in respect of this particular tree and the potential risk it poses.

Respectfully

[REDACTED]

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Head of Planning

Date: 06/12/2022

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond and Sarah Hull

Summary:

Reasons for Recommendations

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

Recommendations:

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	22/00491/OUT (Formerly PP-11008817)
Application Type	Outline Planning Application
Proposal	Outline planning application (all matters reserved except for access) for the partial demolition of the western gable of former farmhouse, retention of 2-storey barn, demolition of single-storey ancillary buildings, erection of up to 41 dwellinghouses, formation of vehicular access point and provision of open space and landscape buffer (Resubmission of application 19/03890/OUT)
Location	9 - 11 Wood Royd Road Sheffield S36 2TA
Date Received	08/02/2022
Team	North
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally Subject to Legal Agreement

Time Limit for Commencement of Development

1. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (matters reserved by this permission) shall have been obtained from the Local Planning Authority.

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

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

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

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

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

Approved/Refused Plan(s)

4. The development shall be carried out broadly in accordance with the following documents and plans:-

- Location Plan (Drawing No. D01)
- Indicative Layout (Drawing No. 19-004-10 Revision G)
- Proposed Elevation to Wood Royd Road (Drawing No. 19/004/032 Revision B)
- Site Plan at Site Entrance (Drawing 19/007/030 Revision A)
- Site Profiles (Drawing No. 19/004/021 Revision B) published 31/08/2020
- Heritage Impact Assessment (Reference No. 22-006 - dated January 2022)
- Flood Risk Assessment and Drainage Strategy - dated 01/11/2019
- Addendum - Flood Risk Assessment and Drainage Strategy
- BIA Proposals Map (Reference No. RSE_3079_BIA_2 Rev V1)
- Preliminary Ecological Appraisal (Reference RSE_3079_R2_V1_PEAR) - dated November 2021
- Nocturnal Bat Surveys (Reference RSE_3079F)
- Landscape/Townscape Visual Appraisal prepared by FPCR Environmental and Design Ltd - dated February 2022
- Geophysical Survey Report prepared by Locus Consulting - July 2022

Reason: In order to define the permission.

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

5. Before implementing each phase of development approved by this planning permission, no development shall commence until such time as a scheme to identify and protect Clough Dike Culvert has been submitted to, and approved in writing by, the Local Planning Authority.

A survey to correctly identify the path of the Clough Dike culvert should be undertaken, to ensure that an adequate buffer zone can be maintained between the culvert and the development. This is to ensure no damage is caused to the culvert during construction and that there is no increase in load, both horizontally and vertically, upon the culvert. This will ensure adequate access is maintained should the culvert require repair or replacement.

Reason: To reduce the risk of flooding to the proposed development and its future users

6. 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 QBar based on the area of the development. 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.

7. 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 114 of the National Planning Policy Framework.

8. No development shall commence until further intrusive site investigations have been undertaken to establish the exact coal mining legacy issues on the site and a report explaining the findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include the submission of a layout plan which identifies the exact location of mine entry 428398-038, including grid coordinates (if found present within the site), and the calculated zone of influence (no-build zone) around the mine shaft. In the event that site investigations confirm the need for remedial works, details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

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

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

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

10. 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.

11. 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.

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.

13. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

14. 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.

15. 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.

16. Prior to the commencement of development, a Landscape and Biodiversity Enhancement Master Plan shall be submitted to and approved in writing by the Local Planning Authority. The content of the Plan shall include:

- An assessment of baseline conditions set out in the Preliminary Ecological Report (RammSanderson November 2021, RSE_3079_R2_V1_PEAR) and Nocturnal Bat Surveys (RammSanderson -19 July 2022 RSE_3079F) shall be carried out to establish if there have been any changes in the presence and/or abundance of protected species and identify any likely new ecological impacts.

- Where the survey results indicate that changes have occurred that will result in ecological impacts not previously considered as part of this outline application, the originally approved ecological mitigation measures shall be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

- Aftercare and long-term management and maintenance of ecological features including an appropriate monitoring strategy.

- Biodiversity Net Gain calculations using the DEFRA 2.0 metric.

- Lighting Strategy

- Provision and specification of bird nesting and bat roosts (boxes) opportunities within/adjoining the site.

Works shall then be carried out in accordance with the revised approved ecological mitigation measures and timetable.

Reason: To ensure the ecological interests of the site are maintained and that the habitat creation on site and subsequent management measures are sufficient to deliver a net gain in biodiversity as required by the NPPF paragraph 170.

17. Unless it can be shown not to be feasible or viable 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.

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

18. 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 the highway improvement works in advance of the development being brought into use.

Highways Improvements:

- Construction of new priority junction and footways to serve the development site, broadly in accordance with the submitted drawings.

- Provision of pedestrian dropped kerbs with tactile paving on Wood Royd Road, Armitage Road and the new priority junction.
- Promotion of a Traffic Regulation Order (waiting restrictions) in the vicinity of the development site, subject to the usual procedures, including the provision of any associated lining/signing.
- Any accommodation works to statutory undertaker's equipment, traffic signs, road markings, lighting columns, highway drainage and general street furniture 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.

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

Reason: To ensure that a record made of historic structures prior to loss/demolition, and that the site is archaeologically evaluated, in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters.

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

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

21. No building or other obstruction including landscape features shall be located over or within 4 (four) metres either side of the centre line of the public sewer i.e. a protected strip width of 8 (eight) metres that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

22. 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.

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

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

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

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

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

25. 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 a noise report by a qualified noise consultant.

b) Be capable of achieving the following noise levels:

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

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

Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);

Bedrooms:

LAFmax - 45dB (2300 to 0700 hours).

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

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

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

26. 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.

27. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage

28. Before the dwellinghouses are brought into use, 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.

Other Compliance Conditions

29. Surface water discharge from the completed development site shall be

restricted to a maximum flow rate of 5.6 litres per second for the site of 2.32 hectares, equivalent to 2.4 litres per second per hectare

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

30. No buildings/structures shall be erected within 35m of the Clough Dike culvert watercourse.

Reason: To ensure no obstruction and maintenance access.

Attention is Drawn to the Following Directives:

1. 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.

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

Bond of Surety required as part of the S278 Agreement.

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

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

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

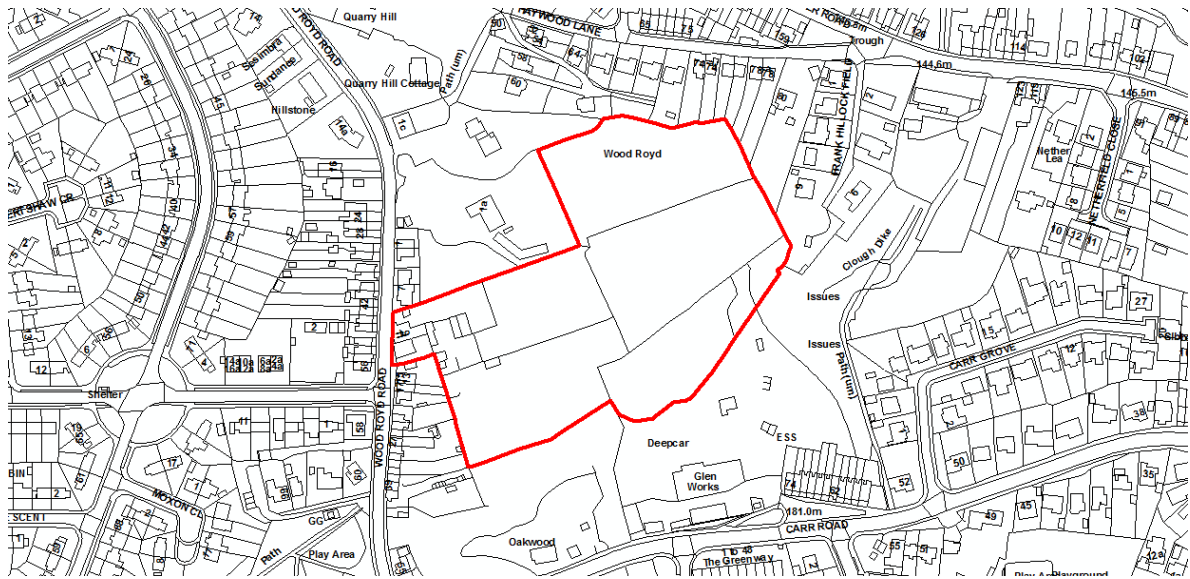
3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

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

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

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

Site Location



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INTRODUCTION

This application relates to Wood Royd Farm in Deepcar. An outline application to erect up to 41 dwellinghouses on this site was refused in February 2021 at the Planning and Highways Committee, under reference No. 19/03890/OUT. It was refused for the following three reasons:

- 1) The Local Planning Authority consider that the proposed development would result in substantial harm to the significance of a non-designated heritage asset as a result of its partial demolition and the development of the associated open pastoral fields, which will also harm the visual amenities and character of the wider area. As such the proposed development is considered to be contrary to paragraph 127 (c) of the National Planning Policy Framework and policy LR5 (c, e and i) of the Unitary Development Plan.
- 2) The proposed development would involve the loss of open space which forms part of the Council's Network of Green Links. The Local Planning Authority considers that the development of the site would detract from its green and open character and cause serious ecological damage by failing to contribute to and enhance the natural and local environment through the loss of land that is considered to be of high biodiversity value and recognised for its intrinsic landscape character. As such the proposed development is considered to be contrary to paragraph 170 of the National Planning Policy Framework, Policies GE10 and GE11 of the Unitary Development Plan and Policies CS73 and CS74 of the Core Strategy.
- 3) The Local Planning Authority consider that the additional vehicular traffic generated by the development would be detrimental to the safety of pedestrians and to the free and safe flow of traffic on Wood Royd Road by reason of the prevailing conditions of the existing highway network in terms of traffic flow, the limited width and lack of footway provision along part of Wood Royd Road, and the narrowing of the carriageway from on-street parking along its length. As such the development would be contrary to Unitary Development Plan Policy H14 (d) and government policy contained in the National Planning Policy Framework (NPPF) at Paragraphs 108 and 109.

SITE LOCATION

Wood Royd Farm is situated to the east of Wood Royd Road and is made up of a former farmstead that dates from the late 18th century and the adjoining agricultural fields. The site includes a farmhouse, a two-storey stone barn and associated single storey outbuildings that include two 'nissen' style huts (half-cylindrical with a skin of corrugated iron). To the east of the farmstead are 5 individual fields that are divided up by low drystone walling. The site contains few trees, largely around the perimeter, and the five grassland compartments comprise of poor semi-improved and neutral grassland.

The application site is situated within both a designated Housing Area and an Open Space Area as set out on the Sheffield Unitary Development Plan Proposals Map. The Housing Area occupies the western section of the site towards Wood Royd Road and covers approximately 9,200 square metres (40%) of the total site area, the remaining area of approximately 14,000 square metres being an Open Space Area (60%).

The site also lies within The Coal Authority High Risk Development Area associated with former mining activities.

The site covers an area of approximately 2.35 hectares, the majority of which is open pasture. The land extends back from Wood Royd Road for about 220m. The site's front section to Wood Royd Road, which contains the farm buildings, is relatively level. Beyond this the land falls quite steeply away to the north, east and south. Due to the topography of the site, the lowest section of the site (AOD 172.69) is about 17.5m below the ground levels to Wood Royd Road (AOD 200.5).

Access into the site is taken from Wood Royd Road, to the southern side of the farmhouse.

The site is bounded by residential properties to its north, east and west, including either side of the farmhouse fronting onto Wood Royd Road. Beyond the site's northern field are detached and terraced dwellinghouses, some of which front onto Haywood Lane, and to its north-east is a small group of houses that front onto Haywood Lane and Frank Hillock Field.

A dense woodland belt (Fox Glen Wood Local Wildlife Site) and further residential development lies to the south and south-east of the site, beyond which is an open storage commercial business (Glen Works) and a large detached dwellinghouse that take their access from Carr Road.

PROPOSAL

Outline planning permission is being sought to erect up to 41 dwellinghouses on this site. All matters are reserved except for access.

This application is largely a resubmission of refused planning application No. 19/03890/OUT, but it is supported by additional information and proposed changes to the site entrance in order to address the previous reasons for refusal.

As before, the proposal includes the demolition of the front section of the farmhouse to Wood Royd Road and the retention of the site's attached stone barn and the demolition of the single storey ancillary buildings.

Any subsequent proposal to alter or change the use of the barn would be subject to separate full planning application at a later date.

RELEVANT PLANNING HISTORY

19/03890/OUT Outline planning application (all matters reserved except for

access) for the partial demolition of dwellinghouse, retention of 2-storey stone barn, demolition of single-storey ancillary buildings, erection of up to 41 dwellinghouses, formation of vehicular access point and provision of open space and landscape buffer (Amended description) – Refused 25 February 2021

SUMMARY OF REPRESENTATIONS

Five site notices were posted within the vicinity of the site. The application was also advertised in the Sheffield Telegraph on the 3 March 2022.

81 letters of objections have been received in response to this application. Some of the representations received have come from the same household, and a number have written in more than once.

Representations have also been received from Stockbridge Town Council and Local Councillors Lewis Chinchin and Julie Grocutt and Sheffield and Rotherham Wildlife Trust (SRWT).

Highway Issues

- Since the last applications, the completion of infill housing on Haywood Lane has made the junctions of Heywood Lane, Wood Royd and New Street almost impossible to use at certain periods due to parked cars. This problem will only increase with applications for further infill on Heywood Lane.
- The current infill development on Heywood Lane will undoubtedly lead to an increase of parked cars at the bottom of Wood Royd/Haywood Lane. In effect, Wood Royd Road has become a single lane road due to parked cars and a junction into an estate at the proposed location would make the road extremely hazardous, especially considering the limited views up and down the hill to road users and person exiting the estate.
- The main concern is the poor access and the lack of footway along Wood Royd Road.
- When using the junction at Armitage Road to Wood Royd there is a blind spot when looking left due to parked cars and traffic.
- The junction of an access road onto Wood Royd Road would have to be immediately adjacent to a row of cottages (Rock Row) fronting directly on to the road, so any vehicle waiting to join traffic from the access side road would not be able to see traffic approaching along Wood Royd Road from its Carr Road end. Exit from the proposed site would be 'blind'. This problem is compounded by the exit being extremely close to the junction with Armitage Road, which already has significant problems with its narrowness and necessarily on-street parking by Rock Row residents. It's a constant problem for drivers, who regularly have to pause or back up, and is a particularly difficult section of the 57 / S11/SL1a bus route.
- The development would compound congestion in the area. A development off Wood Royd Lane (as with any up the hill served by Carr Road, such as the Hollin Busk proposal) would add still further to congestion on Carr Road,

which is a main bus route for all buses serving Deepcar / Stocksbridge: the 57, SL1, SL1a & 23. At the foot of Carr Road, buses often have to wait minutes to join the main route out to Sheffield (Manchester Road). There is still the impact of congestion and gridlock of Wood Royd, Armitage Road and Carr Road, even more so during peak time. Vulnerable groups will be at a higher risk of being affected on our already congested roads. These include young children who use Fox Glen Park and those in attendance at local schools such as Royd Infant and Deepcar Junior School.

- The proposed crossing, with tactile paving and bollards do not make this part of the road any safer. Pedestrians, drivers and cyclists and will still need to negotiate traffic. Extra vehicles (of future residents) will only exacerbate these problems.
- The site is close to the children's playground and infant / junior school so there will be increased safety issues for children crossing the road as outlined by other resident comments.
- The majority of any new residents from the proposed site would be making car journeys to reach the local shops in Stocksbridge not on sustainable modes of transport. The terrain of the site and existing routes are simply too steep for the average person/family. This would mean a significant increase in traffic up and down Wood Royd Road and also impact on surrounding streets.
- The development relies on land that belongs to No. 15 Wood Royd Road in order to achieve the required visibility splays.
- The new proposal makes a minor amendment to the vehicular exit in an effort to improve visibility, but makes no claims on how it seeks to improve or how it impacts the situation on Wood Royd Road itself or the surrounding areas.
- Concerns are for pedestrian safety on this narrow road with parked cars running down the whole of one side. This makes it difficult for cars in both directions finding space to pull in. The new proposed entrance to the site is not very far from the original one thus still making it dangerous to see what is coming up or down Wood Royd Road both for pedestrians and vehicles.
- Wood Royd Road is already over used, with at least four buses an hour and heavy traffic. The road cannot support more traffic. The development would potentially mean up to another 80 cars per day (2 cars per house), which will increase vehicles traffic to intolerable levels.
- The development now involves proposing dropping some kerbs, making a crossing point and putting posts in near the proposed new junction. This will severely limit residents parking their cars. Dropping the kerb is really not going to help with children's safety.
- The development could restrict access for emergency vehicles with vehicles being parked around the access road.
- Wood Royd Road does not support 2-way traffic at the narrow point when cars are parked up.
- This together with approved plans for 50 houses on Carr Road would cause further traffic hazards.
- Creating a new junction onto Wood Royd Road would be hazardous.
- The upper part of the road has only one footpath and the majority of residents having road parking. It is a blind hill with cars having to reserve up

the road for several hundred yards to allow cars coming up to pass throughout the day.

- Additional pollution from increased traffic.

Heritage Issues

- Object to the partial demolition of one of the oldest buildings in the area. The Farmhouse is an historical building which will be demolished for the access point and entrance to the estate.
- The development would result in substantial harm to the significance of a non- designated heritage asset.
- The proposed development would result in damage to a traditional linear farmstead and loss of locally characteristic dry-stone walling and field systems; further erosion of Deepcar's heritage of mixed agricultural, mining and early modern industrial land usage.
- Wood Royd green fields are ancient agricultural fields belonging to Wood Royd Farm which is one of the original farms that are situated along the spring lines of the valley sides and that farmed the hillside meadows. This application retains the farmhouse but removes its gable end, to provide road access. This part demolition still constitutes damage to a visible heritage asset. Building houses on its associated green fields causes significant harm to its natural setting. Local heritage should be protected.

Housing Land Supply

- The new proposal also continues to refer to a lack of a 5 year plan for available land, but the council can provide at least 4 years, thus, there is no immediate pressure to utilise greenfield sites. The committee should take this into account and not rush through developments based on the commercial interests of the applicants.
- The emerging Sheffield local plan identifies that the city is meeting its current supply for housing, therefore this area, which is designated as green space, is not required to meet demand. The plan also calls for the majority of housing to be delivered on brownfield sites, closer to the city.
- There is little or no demand for yet more additional houses within the village. Demand is from city dwellers looking for the substantially lower house prices given the ten-mile commute to Sheffield. This demand should be met by much more building on brownfield sites within Sheffield city itself, of which there is an ample supply. This itself would serve to lower Sheffield house prices by improving the demand-supply equation. This of course also would fit with the need to radically reduce commute distance, reducing the congestion and pollution this causes, through not only less mileage but also increased public transport use, given there is less utility of car ownership in city living.

Design/Landscape Character

- While the application includes a Landscape Assessment report, this should be questioned over its impartiality. The report seems to ignore one of the most important viewpoints of the general public, the Fox Valley access road.

The report also appears to play down the importance of the pastoral field to the context of the farm buildings and its contribution to breaking up the builtup nature of the area.

- The development would have a considerable impact on the feel, setting and amenity of Deepcar. The farm and its green space is vital to the setting and ambience of Deepcar, and an important historical link to its history as a rural community, dominated by small farming units.
- The application contains no LVIA, however, this scheme will have a major impact on the Deepcar area. At present, this open space maintains the semi-rural character of Deepcar, especially when viewed from Haywood Lane, Manchester Road area. It also forms an important buffer in the urban character of the area when viewed from the Stocksbridge bypass area.
- The loss of open space would result in over-development and harm the character of the local area.
- The impact to the environment will be irreversible. The site is one of the last remaining green spaces in the immediate vicinity.
- This has always been original farming land which has never been built on before apart from one building and is the last green space left in Deepcar.

Infrastructure/Services

- Additional pressure on local infrastructure. The schools, GP surgeries and dentists in the area struggle to cope currently. The provision of additional housing on top of houses already approved in the surrounding area including at Hollin Busk will place further strain on services which are already stretched.
- The past few years have seen lots of large housing developments in this area but with no additional public facilities. Schools, Doctors, Dentists etc are already under severe pressure. It is not possible to continue to add to the resident numbers without increases in public facilities.

Ecology Issues

- Loss of biodiversity and natural habitats for birds, badgers, foxes and hedgehogs
- Bats have roosts in the outbuildings.
- The development will result in the loss of flora and fauna.
- The land plays an important role in maintaining biodiversity in the area.
- The development would result in the destruction of a vital Green corridor link which currently runs down the hillsides from Bolsterstone through Hollin Busk, Fox Glen and down to Clough Dike. The Wood Royd development would destroy this vital green corridor link forever.

Residential Amenity Issues

- The construction of the houses would cause a lot of dust and noise over a long period of time, involving heavy machinery and deliveries entering and exiting the site at the top of Wood Royd Road.
- Overlooking and light glare.

- Increase in noise pollution.
- During Autumn and Winter months, we already suffer from restricted day light as the affected part of Haywood Lane is below the skyline so building elevated houses and proposed planting of more trees to the existing ones will add to this considerably as the sun and light disappears behind the hillside.

Flooding/Drainage Issues

- To say that the area is of low risk to flooding is inaccurate. The site on the Council's website shows the site as a medium risk.
- There are major drainage works along Wood Royd Road owing to a broken culvert. The road is under continuous threat from flooding.
- Building more houses will only add to further and more extensive flooding only of already established properties.
- The development of the green fields will only add to the flooding issues in the area.
- The issue of flooding is only going to get worse in the future. The development is likely to pose a risk of flooding of the new properties based on the fact that they are situated in the run-off area from the culvert should it overflow again.
- Wood Royd Road has suffered from extreme flooding in the past two years from Fox Glen.
- In heavy rain the fields near Hollin Busk are saturated with rain water and naturally run into Clough Dike, causing flooding.
- The fields provide a soak away for normal rainfall. Building roads and 41 houses on the site would have an impact on potential flooding.
- The applicant proposes to manage flooding by installing SUDS initiatives, ponds and pumps. SUDS initiatives are not designed to capture fast flowing water, especially on a hillside. To be effective, the size of the ponds would have to be considerable to contain the volume of water flowing across 1.5 hectares of hard surfaces. These ponds would present a permanent risk of the ponds being breached or overtopped and spilling onto the dwellings downhill of the proposed development. Forming ponds on steep hillsides would require building large bunds (dams) along the downhill (low) side of the ponds. The proposed pumping station will have to pump both surface water and sewerage up to the drains in Wood Royd Road, a height of around 40 metres.
- The forming of a wider entrance to the proposed development will divert more surface water from Wood Royd Road, Armitage Road and the new Hollin Busk development onto the new development.
The combination of increased surface water flow from Wood Royd Road, Armitage Road and the new Hollin Busk development plus the new development's roads, roofs, footpaths, driveways, hard landscaping and the slope of the hillside will act as a funnel collecting surface water and directing it towards the dwellings on Haywood Lane and Frank Hillock Field presenting an increased flood risk to those dwellings.

Loss of Open Space

- The lack of an up-to-date local plan is not a reason to allow development on designated green space. There has been a considerable amount of housing land brought forward in the Deepcar/Stocksbridge area without the need to allow development on undesignated housing land/green space.
- Open green spaces should be retained.
- The Council has adopted a policy of 'green corridors' with inter-connecting green links. One of these links is the subject of this application, which runs up the hillside and separates Deepcar from Stocksbridge. The application seeks to destroy this green separation and continue urban sprawl across the hillside.
- Local people value the green nature of the area with open views across the hillside and access to open countryside for walking and recreation.
- There are many more appropriate brownfield sites that need to be used first.

Other/Miscellaneous Issues

- The site has been proven to be not appropriate, and a virtually identical application was refused by the Planning and Highways Committee on 25-02-2021. As the resubmitted application has not adequately addressed the reasons for refusal, and as the application is still for an inappropriate development in an inappropriate location, it would be expected that permission should again be refused. There are more than three valid grounds for refusal, so it would be appreciated if the refusal this time could be made more robust.
- Since this application was last rejected, there have not been any fundamental changes that would allow it to be re-submitted.
- Sheffield City Council should maintain its stance on brownfield development first, and protect its image as the Green City. It should maintain a consistent approach and reject this re-application
- Would be more in favour of the development if the plans included bungalows and disabled friendly properties. None of the recent large applications that have been passed in the North of the city have any low level accommodation included. These kinds of dwellings are needed now more than ever.
- Land stability. The garden to No. 62 Haywood Lane has a small boundary with the development site with a drop of 6m with no retaining wall. Concerned about potential landslides as it appears that the wall is being held in place by the weight of the soil and tree/shrubs.
- The Coal Authority report of March 2022 states that the application site falls within the defined "Development High Risk Area" and highlights the risk of landslide if it is disturbed. The report goes on to mention the presence of shafts in addition to acknowledging that unofficial mining took place.

Non-Planning Issues

- Loss of views.

Stocksbridge Town Council objected to the application for the following reasons:

Highways access

The proposed development site is very close to the junction of Armitage Road with Wood Royd Road. The centreline of the proposed access is around 20m from the edge of Armitage Road, and the application justifies this close proximity by making reference to the junction spacing guidance in section B.3.1.2 of South Yorkshire Residential design guide. This guidance does not however stipulate that the distance should be measured from the centreline of the proposed and existing junctions; indeed, when measured from the edges of the existing and proposed junction the separation is actually around 9 metres.

Visibility at the access point to the proposed development is constrained due to the building lines of adjacent properties. We are informed by local residents that the development site – including work necessary to improve the poor visibility at the site entrance – encroaches onto land owned by adjacent property owners who are not involved in the promotion of the scheme, and indeed would have access to their property impaired should development go ahead. We are highly concerned at what seems to be such a basic error in a key component of the planning application, and are concerned about what implications this may have for the other reports constituting the application.

The transport statement says that cars climbing Wood Royd Road would see slow-moving cars exiting the site and therefore be able to react in time. Stocksbridge Town Council would argue that road safety is the responsibility of everyone, and does not believe that the sole onus of road collision avoidance should be placed on road users who are already negotiating a steep incline on a road with two-way traffic, restricted width due to numerous parked vehicles, and already having to anticipate the busy Armitage Road junction which is also utilised by public transport.

Flooding

The application site is currently undeveloped except for grazing purposes, and as such allows a certain degree of natural surface water permeation at this critical location between Fox Glen, which is known to flood frequently and severely during bad weather events, and Clough Dyke, which also floods to a considerable degree during such events. The development of this site would inevitably lead to a reduction in the natural permeability of the ground, and indeed an acceleration of the downhill flow of surface water toward Clough Dyke and, ultimately, the B6088 Manchester Road and the Little Don.

Ecological Considerations

The site is currently home to a plethora of wildlife including birds and bats, which rightly enjoy protection under planning and environmental regulations. No assessment has yet been made of the precise species count at this site, however it is known locally to have a wide variety. This site is also close to the willow tit habitat which was recently restored in an effort to increase the South Yorkshire population of this threatened species. The site is currently divided up into fields by

a number of dry-stone walls, which are known to provide a habitat for a variety of plant and animal species due to their ability to provide a range of temperatures, levels of light and degrees of water saturation in close proximity, as well as helping to provide a conduit along which wildlife can move from one area to another.

Traffic

Wood Royd Road is already a very busy road in comparison to its width, and feeds onto Carr Road, a major local road which is even busier, particularly at peak times. The applicant's own assessments concede that the development of this site would lead to a considerable increase in vehicle movements to and from the site. It is entirely likely that the majority of these vehicle movements would link to Carr Road in order to connect to the bypass and M1, as this connectivity is suggested as an argument to demonstrate the sustainability of the site by the applicant. This would however exacerbate the problems faced by local people at the congested junction of Carr Road and Manchester Road, near the Vaughton Hill traffic lights, which already cause significant tailbacks in all directions. Unfortunately, the applicant's traffic study was conducted at a time of the day when traffic was at or close to its minimum level.

Local Infrastructure

Local services such as schools, medical and dental services are full and will struggle to cope with the additional housing which has been built or for which permission has already been granted. The provision of an additional 41 houses will cause further strain on services which are already stretched.

Built Heritage and Historical Industry

The approval of this planning application would permit the partial demolition of a farmhouse which, although not listed by Historic England, predates an 1851 Ordnance Survey map of the local area, and has therefore been a fixed part of the local built heritage for at least 170 years. Stocksbridge Town Council has deep reservations about such a partial demolition, which would entirely transform the frontage of a building which has formed a point of constancy in the ever-changing streetscene of Stocksbridge. The official guidance for adding buildings to the List, from the Department of Culture, Media and Sport, states that most buildings from 1700-1850 which retain a significant proportion of their original fabric are likely to be considered to hold special interest, and therefore are worthy of consideration for inclusion on the List.

Very careful consideration must also be given to the stability of the application site, given the history of mine workings in this area. This not only potentially weakens the ability of the surface to bear weight, but also significantly complicates the consideration of issues such as underground drainage.

Conclusion

Stocksbridge Town Council would object strongly to this application on the basis of traffic levels, highways hazards, built heritage, historical industry, biodiversity

considerations, impact on local infrastructure and the increased likelihood and impact of pluvial flooding on-site and fluvial flooding off-site in the local area. We would also request that a decision on this application is made by the Planning and Highways Committee, given the history of the site and the fact that previous applications on the site have been decided by the Committee.

Councillor Lewis Chinchon objects to the development for the following reasons:

As a local City Councillor, I object to the outline planning application for the erection of up to 41 dwellings with access on Wood Royd Road (ref: 22/00491/OUT). A similar outline planning application was received in 2019 and subsequently rejected by the Sheffield Council Planning and Highways Committee. With only minor amendments being made, these new plans still fail to adhere to much of the National Planning Policy Framework ('the Framework').

The Framework supports sustainable development. The proposed development is not sustainable for the following reasons:

Access and Highway Safety

The houses on Wood Royd Road opposite the proposed vehicular access point do not have off-street parking. This means they regularly have to park on the road directly opposite the proposed access point. As a result, vehicles turning right out of the new development will be forced to pull out onto the wrong side of the road. With poor visibility and a blind summit nearby, this poses a significant highway safety risk.

Furthermore, Wood Royd Road is already challenging for motorists due to unavoidable on-street parking and its narrowness. Many vehicles have to reverse back to allow oncoming vehicles to pass. A new development with up to 41 dwellings would make this a more regular occurrence and be detrimental to the free and safe flow of traffic.

Vehicles pulling out of Armitage Road often have poor visibility due to parked cars on Wood Royd Road. The development's access point is very close to the Armitage Road/Wood Royd Road junction, which creates further risk for motorists.

I also have strong concerns about pedestrian safety. There is no footpath as you turn right, out of the proposed site. This means pedestrians will have to cross the road which is potentially dangerous given the lack of visibility and that cars may be driving on the wrong side of the road for the reasons outlined above. In addition, pedestrians crossing the other way to return to the development site will have restricted visibility when stepping out due to parked cars on Wood Royd Road. The crossing point, which simply consists of a dropped kerb and tactile paving, is unlikely to be a sufficient measure to mitigate the risk.

Issues around highway safety were a reason for the previous application being rejected. The new plans are broadly the same and the proposed crossing point does little to change the fact that Wood Royd Road is a difficult and narrow road for motorists and pedestrians to navigate. In accordance with Paragraph 111 of the

Framework, the impact on highway safety remains unacceptable.

Flood Risk

Wood Royd Road and roads nearby such as Haywood Lane are already at risk of flooding due to their location in relation to Clough Dyke and the natural downhill flow of water. In November 2019, 9 residential properties on Wood Royd Road were flooded.

The flood risk is therefore real and flood pumps are currently (March 2022) in place on Wood Royd Road due to recent heavy rainfall. The proposed development will exacerbate these issues as it will reduce permeability, thereby increasing surface water run-off with potential consequences for roads at the lower end of the hillside, such as Haywood Lane. The topography of the site makes the flood risk even more apparent. The Framework clearly states in Paragraph 159 that developing in areas where there is a flood risk should be avoided and that developments should not increase the flood risk elsewhere. The proposed plans fail this test.

Damage to the Natural and Local Environment

The ecological and environmental value of green space in built-up areas should not be understated, particularly as this site adjoins a Local Wildlife Site. Sufficient weight should be afforded to the fact that this is one of the few remaining predominately undeveloped sites in the local area.

Paragraph 174 of the Framework states that planning decisions should contribute to and enhance the natural and local environment. It should be noted that one of the reasons for the rejection of the previous outline planning application was that the development would cause serious ecological damage by failing to contribute to and enhance the natural and local environment. This is still the case with the revised plans.

Partial Demolition of a Candidate Non-Designated Heritage Asset

Wood Royd Farm, a candidate non-designated heritage asset, likely dates back to the 18th century, which makes it relatively rare. The plans propose partial demolition of the existing farmhouse. I have strong concerns about this. The rejection of the previous outline application listed this asset as one of the reasons for refusal. Developing the open fields will also harm the setting of the remaining part of Wood Royd Farm.

Mining History

Paragraph 184 of the Framework refers to land stability issues. There is a mining history in the area - consideration of the plans needs to take account of this.

Conclusion

Due to the aforementioned issues relating to highway safety, flooding, the environment and biodiversity, partial demolition of a historic asset and the mining

history, the adverse impacts of granting permission for this site significantly and demonstrably outweigh the benefits. It is not a sustainable development and outline planning permission should be refused.

Councillor Julie Grocutt has objected to the development for the following reasons: I objected to the application in 2019, and this resubmission has done nothing to change my mind about the unsuitability to build houses in this location for a wide variety of reasons set out below.

Flood Issues

As the local councillor I spend a great deal of my time dealing with flood issues in this area. The site is currently used by cattle, providing natural surface water permeation at this location between Fox Glen, which floods frequently and severely during bad weather, and Clough Dyke. This is such a problem that we have an agreement with Amey who have to regularly check this area for flooding in bad weather and often have to deploy pumps to ensure the flood water doesn't flood into houses on Wood Royd Road. The development of this site would cause a reduction in the natural permeability of the ground and accelerate the downhill flow of surface water toward Clough Dyke and Manchester Road and the Little Don river.

Ecology Issues

A wide variety of wildlife including protected bats and birds are to be found on the land subject to this application. It is concerning that the species on this site have not been assessed. A site for willow tits is also close to this site. The dry-stone walls which mark out the fields on this site provide access for the wildlife which inhabit them and also allow a number of plants to flourish in the walls. This will all be lost should the application be approved.

Highways Access

Entry to this proposed development is almost directly across from the junction of Armitage Road with Wood Royd Road. The centreline of the proposed access is roughly 20m from the edge of Armitage Road. The application justifies this proximity by making reference to the junction spacing guidance in section B.3.1.2 of South Yorkshire Residential design guide. This guidance does not however state the distance should be measured from the centreline of the proposed and existing junctions; indeed, when measured from the edges of the existing and proposed junction the separation is actually around 9 metres.

A local resident informs me that to deal with the poor visibility when entering/exiting the site the plans encroach onto his property, impairing access to his and other properties. There has been no consultation with this land owner and it is extremely worrying that the developer is submitting an application, using land they do not appear to have authority to use.

Road safety is the responsibility of all road users. This location is complicated by the pumps (as described above) that are often in Wood Royd Road just past the

junction with Armitage Road towards Carr Road, when needed to pump out the excessive flood water. There are barriers around the pumps. There is only a footpath on the playground side of the road. The shallow raised area on the opposite side of the road, I am told is the property of the houses and is not a footpath. It is too narrow to walk on safely and certainly not wide enough for a pram or wheelchair. Vehicles (including those belonging to the houses) regularly park with their wheels on this strip of land. These issues mean pedestrians frequently have to walk in the road. It is worth noting that this is the way children are walked from the nearby housing estate to the local schools and of course to use the playground.

The transport statement states that cars climbing Wood Royd Road would see slow-moving cars exiting the site and therefore be able to react in time. As someone who knows and use this road frequently, I can state this would not be the case due to the number of parked cars regularly on this road which add to the difficulty of driving on this road and obstruct the view. Add public transport into this mix, the gradient of the road, the developers acknowledgement that this development will lead to an increase in vehicular movements and this is indeed concerning road safety. Further we already have issues with congestion at Vaughn Hill, Manchester Road, Carr Road Junction, which will be exacerbated with the 400+ homes that are currently being built on this junction, we will have a real issue with transport movements.

Heritage Issues

This application seeks to demolish part of a farmhouse which predates 1851 and forms an important part of the local history of the area. Partial demolition would completely alter the look of this building altering the street scene which has been as is for 150 years.

Sheffield and Rotherham Wildlife Trust have made the following comments to the application:

- 1) Part of the site is allocated as open space. As this has not changed (it may do with the forthcoming Local Plan, either one way or the other) then my previous objection still stands on this basis.
- 2) Bat concerns – While initially objecting to the application due to lack of bat surveys, these surveys have now been carried out, which did not identify a roost within the buildings. While some concerns are still raised, SRWT do not have sufficient evidence to object to the scheme on this basis.

The other comments/recommendations (for conditions etc) previously highlighted still stand unless any of them have been addressed by the applicant. Comments are raised about whether the loss of grassland would be compensated for (BNG). A BNG assessment was subsequently carried out which does show a 10%+ gain, although there is a small loss of grassland and scrubland (0.37 units), which needs to be assessed by SCC Ecology.

Other risks include construction impacts on areas of grass that would be retained and enhanced potentially not being factored in, and the potential condition of the

habitats may still be overestimated. A good Biodiversity Management and Monitoring plan is really key for achieving what they say they are going to do. This can be conditioned.

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 (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 published in 2018 and revised in February 2019 (the NPPF) is also a material consideration.

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

- i) 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
- ii) 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.

Paragraph 12 of the NPPF makes it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Paragraph 12 continues that where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

Paragraph 219 of the NPPF states that policies should not be considered as out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Therefore, the closer a policy in the development plan is to the policies in the Framework, the greater the weight that may be given.

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 was released in August 2021. It includes the updated Government's standard methodology and a 35% uplift that should 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 housing land. Therefore, the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites.

Consequently, the most important development plan policies for the determination of schemes which include housing should be considered out-of-date, according to paragraph 11(d) of the NPPF. In this instance, the so called 'tilted balance' is triggered, and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance (that include Conservation Areas, listed buildings and the Green Belt) 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.

The proposal involves the erection of up to 41 dwellinghouses (Use Class C3). In this instance, there are no protected areas or assets of particular importance as described in footnote 7 of paragraph 11, (such as Conservations Areas, listed buildings or Green Belt) within the boundary of the application site. The NPPF does, however, emphasise the importance of the delivery of housing, and that importance is heightened with the tilted balance engaged in the delivery of housing. As such, Members are advised that the most relevant policies in respect of this application should be viewed to be out of date in line with paragraph 11 (d) of the NPPF, and unless there are adverse impacts that would significantly and demonstrably outweigh the benefits of the development, planning permission should be approved.

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

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

- The Principle of Development – Policy and Land Use
- Highway Issues
- Design
- Landscape Character and Ecology and Biodiversity Issues
- Heritage and Archaeology Issues
- Flooding/Drainage Issues
- Effect on the Residential Amenity of Neighbouring Properties
- Ground Conditions and Coal Mining Legacy
- Affordable Housing
- Sustainability Issues
- Community Infrastructure Levy (CIL)
- Other Issues

The Principle of Development – Policy and Land Use

The application site covers two land use designations, the upper western section of the site (approximately 40%) is situated within a Housing Area and the lower eastern section (approximately 60%) is situated within an Open Space Area as set out on the UDP Proposals Maps.

The application site would not fall within the definition of previously developed land and would be classed as a greenfield site as the definition of previously developed land in the glossary to the NPPF excludes land that is or was last occupied by agricultural buildings.

The Housing Area

In Housing Areas, housing (Use Class C3) is listed as the preferred use of land under UDP Policy H10. The supporting text to this policy states that housing is preferred in existing Housing Areas because these areas generally provide adequate living conditions, and as new housing needs a large amount of land, the release of sites in Housing Areas would reduce demand for building on greenfield sites and open spaces in the built-up area.

UDP Policy H14 sets out conditions that developments in Housing Areas are expected to meet. These include at part a), that new buildings are well designed and would be in scale and character with neighbouring buildings, at part c) the site would not be over-developed or deprive residents of light or privacy, and at part d), it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

UDP Policy H15 relates to the design of new housing developments. This policy amongst other things states that new housing will be expected to provide easy access to homes and circulation around the site for people with disabilities, provide adequate private gardens or communal open space to ensure that basic standards of daylight, privacy and outlook are met for all residents.

The application should also be assessed against Core Strategy Policies CS23, CS24, CS26 and CS33.

Policy CS23 sets out locations for new housing and says that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. In the period between 2008/09 to 2020/21, the main focus will be on suitable, sustainably located sites within, or adjoining the main urban areas of Sheffield and the urban area of Stocksbridge/Deepcar.

Notwithstanding the site's Open Space designation in the UDP, the application site is located within the urban area of Deepcar and use of the designated Housing Area for housing would comply with Policy CS23.

Policy CS24 states that priority will be given to the development of previously

developed sites and that no more than 12% of dwelling completions will be on greenfield sites between 2004/05 and 2025/26.

Policies CS23 and CS24 are considered to be broadly consistent with government policy contained in the NPPF, where it states in paragraph 119 that policies should set out a strategy for meeting need in such a way that 'makes as much use as possible of previously-developed or brownfield land.' However, while the NPPF actively promotes the reuse of brownfield land, it does not specifically advocate a 'brownfield first' approach. The NPPF details at paragraph 120 that planning decisions should promote and support the development of under-utilised land and buildings, especially it this would help to meet identified needs for housing where land supply is constrained. Also relevant is paragraph 73 of the NPPF, which states that supply of large number of new homes can often be best achieved through significant extensions to existing villages and towns, provided that they are well located and designed, and supported by the necessary infrastructure and facilities.

The Council's latest figures show that of all housing completions, over 95% have been on previously developed sites. The proposal to erect 41 dwellinghouses across the site would therefore comply with this policy.

Policy CS26 seeks the efficient use of housing land and sets out density ranges that new housing developments should achieve. The density ranges are based on a range of factors but primarily based on the site's proximity to services and public transport. The policy does allow development outside the specified ranges set out within the policy, but only where they achieve good design, reflect the character of an area or protect a sensitive site. The site is located in an area where a density in the order of 30 to 50 dwellinghouses per hectare should be achieved.

Policy CS26 is broadly consistent with government guidance contained in the NPPF where, at paragraph 124, it promotes the efficient use of land subject to the consideration of a variety of factors including housing need, availability of infrastructure and sustainable travel modes, desirability of maintaining the areas prevailing character and setting, promoting regeneration and the importance of securing well designed and attractive places; and where, at paragraph 125 (b) it states that it may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range.

The proposed development of 41 dwellinghouses on this 2.35 hectare site equates to a density of approximately 17.4 dwellinghouses per hectare, which would fall below the desired density range set out in Policy CS26. However, as a large proportion of the site would remain undeveloped due to the physical constraints and sloping topography of the site, as well as the requirement to provide a 15m wide buffer between the development and the adjoining Local Wildlife Site (LWS), it is considered reasonable to expect a lower density better reflecting the character and limitations of the area. It is considered therefore that the development would not conflict with Policy CS26.

Policy CS33 relates to jobs and housing in Stocksbridge/Deepcar. It states that new housing in these areas will be limited to previously developed land within the

urban area. The development of this greenfield site for housing would therefore be contrary to this policy. However, like CS24, this policy is only broadly consistent with the NPPF and is arguably too restrictive in its aims. While the NPPF actively promotes the reuse of brownfield land, it does not specifically advocate a 'brownfield first' approach and it does not exclude the development of greenfield sites. In this regard Policy CS33 has to be given less weight.

In relation to the part of the development site that is located entirely within the Housing Area therefore, it is considered that there are no substantive policy objections against the erection of new housing. As previously stated, the Council is currently achieving over 95% of all housing completions on previously developed sites, and so the proposal would not conflict with Core Strategy Policy CS24. It is considered that the proposed density range does not conflict with Policy CS26, given local circumstances, and it is also considered that, while the development conflicts with Policy CS33 in relation to new housing being limited to previously developed land within the urban area, CS33 carries reduced weight in the planning balance as described above.

As such, the principle of developing the western part of the site for housing is considered to be acceptable. -

The Open Space Area

The majority of the application site (approximately 60%) is situated on land that is designated an Open Space Area. The land is currently in agricultural use and is primarily used for grazing.

The relevant development plan policies are UDP Policies GE7, LR5, and LR8, and Core Strategy Policies CS47 and CS72.

UDP Policy GE7 is concerned with the protection of the rural economy and agriculture. The permanent loss of the best and most versatile agricultural land should not be permitted, and neither should development that seriously harms agricultural activities or the viability of a farm. More up to date policy in the NPPF (paragraph 174) requires the wider benefits of natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land – to be recognised.

Footnote 58 of the NPPF clarifies that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The best and most versatile agricultural land lies in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The weight attributed to Policy GE7 is reduced as a result of the much more flexible approach advocated by the NPPF.

The vast majority of the site is pastoral fields for the grazing of sheep. While the development would remove the land from agricultural use, given the location of the site, which is surrounded by development on three sides, it is not considered that the retention of the land for agricultural use can be justified. The applicant has confirmed that the land no longer forms part of any operational agricultural unit and

has not been commercially farmed from the site and existing buildings for at least two generations. The outbuildings on site are not in agricultural use and the barn is being used for domestic storage purposes only. The land is occasionally used by a friend of the applicant to graze sheep, not for financial gain or remuneration, but as a favour and to maintain the appearance of the site. The economic impact of the loss of the site is therefore low and to an extent counterbalanced by the economic benefits derived from the proposed development. Furthermore, as the land is grade 4 (poor quality) in accordance with the ACL, the development would not result in the loss of the best and most versatile agricultural land that the NPPF seeks to protect.

UDP Policy LR5 relates to development in Open Space Areas and lists a number of criteria where development will not be permitted. These include, where the development would:

- cause damage to mature or ancient woodland or result in a significant loss of mature trees;
- significantly detract from the green and open character of the Green Network;
- make an open space ineffective as an environmental buffer;
- result in over-development or harm the character of an area;
- harm the rural character of a wedge of open countryside;
- the proposed use would be incompatible with the surrounding land uses.

Open space is defined within the UDP as ‘a wide range of public and private areas’. This includes parks, public and private sports grounds, school playing fields, children’s playgrounds, woodland, allotments, golf courses, cemeteries and crematoria, nature conservation sites, other informal areas of green space and recreational open space outside the confines of the urban area. On the Proposals Map, areas over 0.4 hectares are normally defined as Open Space Areas or are included in the Green Belt.

The application site comprises of privately owned grassed fields that have been historically linked to the adjoining farmstead. It is used as grazing land and is not accessible to the public. The site’s value to the local community is the visual amenity afforded by its open character and appearance from public vantage points located outside the site, along with views from private residential properties. As the site has no public access, the visual amenity afforded by its open character can only relate to views over it from surrounding vantage points.

With regards to the consistency of policy LR5 with the NPPF, the key issue to consider is whether an area of inaccessible land, allocated as open space but valued only for its visual amenity from public vantage points outside the site, falls within the definition of open space in the NPPF annexe. The second issue leading from this is whether NPPF paragraphs 98 and 99 apply, which relate to open space and recreation.

The NPPF annexe defines open space as: ‘All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act

as a visual amenity'. The use of the word 'and' indicates that the site has to offer an important opportunity for sport and recreation and if it does, it can also make a contribution to visual amenity i.e. visual amenity itself is not a reason for it being classed as open space. The site has no public access and does not provide any opportunities for sport or recreation.

The site's value to the local community is the visual amenity afforded by its open character and appearance from public vantage points located outside the site, along with views from private residential properties. Visual amenity is not a standalone function of open space as per the NPPF annex definition and NPPF paragraphs 98 and 99 which relate to open space cannot apply to land valued only for visual amenity.

Furthermore, NPPF paragraph 98 cannot apply to land primarily safeguarded for its visual amenity because open space protected for its visual amenity could never be deemed surplus to requirement (NPPF paragraph 99a) or be replaced by equivalent or better provision (NPPF paragraph 99b). Therefore, the protection of land for visual amenity alone is not consistent with the open space policies of the NPPF.

On this basis, it is considered that UDP Policy LR5 goes beyond the requirements of the NPPF and any element of it relating to the protection of open space for visual amenity alone is not consistent with the NPPF and can only carry limited weight.

As Policy LR5 forms part of the statutory Development Plan, the application is still assessed against its criteria below but within the context that this policy can only be given limited weight in the decision making process.

While the proposal involves the loss of open fields, it is not considered that it would conflict with the broad list of conditions in Policy LR5 which restricts development in open space areas. The development would not cause damage to mature or ancient woodland or result in a significant loss of mature trees across the site. The development would not cause damage to a nature conservation site, with the indicative plan incorporating a buffer (minimum distance of 15m) between the site and the adjacent local wildlife site. The site is not of such quality that it is of city-wide importance and it would not be overdeveloped, as the built form including gardens and roads represents about 60% of the total site area, with the remaining area laid as a central open green space, wooded margin and buffer zone. Moreover, owing to its location within the built-up area of Deepcar, the development would not harm the rural character of a wedge of open countryside.

UDP Policy LR8 relates to development in local open spaces and details that development will not be permitted, where it would involve the loss of recreation space which: i) serves a Housing Area and where provision is at or below the minimum guidelines; ii) is in an area where residents do not have easy access to a Community park; or iii) provides a well-used or high quality facility for people living or working in the area.

Policy LR8 is not considered to be applicable with respect to this application since

this policy relates to the loss of recreation space. The site is not used for recreational or leisure purposes, but instead is in use for the grazing of animals for agriculture.

Core Strategy Policy CS47 seeks to safeguard open space by restricting development in instances where there would: a) be a quantitative shortage of either informal or formal open space in the local area; b) it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value; c) it would deny people in the local area easy or safe access to a local park or to small informal open space that is valued or well used by people living or working in the local area; or d) it would cause a break in the city's Green Network.

As Policy CS47 relates to specifically to the 'Safeguarding of Open Space', and the application site does not fit into any of the formal or informal categories of open space defined in paragraph 9.26 of the Core Strategy (outdoor sports facilities, parks, accessible green spaces and countryside and areas for informal recreation etc), Policy CS47 cannot therefore apply to the application and the scheme cannot be assessed against it.

Core Strategy Policy CS72 relates to protecting countryside not in the Green Belt. It says that the green, open and rural character of areas on the edge of the built-up areas but not in the Green Belt will be safeguarded through protection as open countryside, including at part d), south of Stocksbridge (at Hollin Busk).

Policy CS72 does not make specific land allocations and protects countryside for its own sake i.e. it is a restrictive policy and in effect places an outright bar on development in the countryside. It was adopted within a national planning policy context of restriction where there was sufficient land for housing within the district and additional housing land did not need to be found.

The policy approach in CS72 is not consistent with the NPPF, which does not protect countryside for its own sake (i.e. it does not impose outright restrictions on development in countryside) but instead requires that all decisions recognise the intrinsic character and appearance of the countryside.

On this basis, it is concluded that policy CS72 goes beyond the requirements of the NPPF and can only carry limited weight.

However, as policy CS72 forms part of the statutory Development Plan, the application should still be assessed against it, within the context that any conflict can only be given limited weight in the decision making process.

Policy CS72 relates to countryside situated on the edge of built-up areas. Unlike land at Hollin Busk, the application site is contained by built development on three sides and is not open countryside or land that is situated on the edge of the built-up area.

Officers acknowledge that the application site is highly valued by local residents and recognise the general ecological and environment benefits of open spaces within built up areas. As set out within the supporting text to UDP Policy LR4,

Sheffield is a relatively green city, reflecting both its topography and historical development. It goes on to say that open spaces are an important part of the character of Sheffield and enhance the quality of urban life.

The UDP also recognises that because these areas are not built on, they are subject to many pressures from development, particularly those which are in private ownership. Many open spaces contain valuable wildlife, geological and archaeological sites, or are part of the Green Network, with the most valued including long established parks, sites that contain mature or ancient woodland and those that provide an important contribution to the setting of a listed building.

Whilst the application site provides some ecological and environmental benefits, discussed below, it comprises of low quality agricultural land (grade 4) which is not publicly accessible and so cannot be used for either recreation or sport by people living or working in the area. The site therefore fails to meet the purposes of open space areas as defined in the NPPF and the categories of open space defined in paragraph 9.26 of the Core Strategy, and its protection cannot be justified when assessed against government policy in this regard.

However, the development of the site for housing would, as proposed, include provision of an enhanced and publicly available open space area (approximately 2,750 square metres), a wooded margin of 5,500 square metres and would be adequately set back from the LWS to prevent any adverse effects on this established woodland and its ecological and environmental value. The overall built up area, including private gardens, would amount to approximately 60% of the site area, with the remaining land laid out as formal and informal open space.

Housing Land Supply

Chapter 5 of the NPPF relates to delivering a sufficient supply of homes and states at paragraph 60 that, to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land comes forward where it is needed.

Paragraph 74 of the NPPF expects local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing.

At the time of the earlier application in 2021, the Council was able to demonstrate a 5.4 year supply of deliverable housing sites. This position has now changed. The Council's revised 5-Year Housing Land Supply Monitoring Report (August 2021), which includes the 35% urban uplift, sets out the position as of 1st April 2021 – 31st March 2026 and concludes that there is evidence of a 4 year supply of deliverable housing land.

In terms of housing delivery, the proposal to erect up to 41 houses on this site would make a valuable contribution to the delivery of housing in the city, to which it is considered significant weight should be given in the planning balance.

Highway Issues

One of the three reasons for refusal of the previous application was highway related (reason 3). To reiterate, it was considered that the additional vehicular traffic generated by the development would be detrimental to the safety of pedestrians and to the free and safe flow of traffic on Wood Royd Road by reason of the prevailing conditions of the existing highway network in terms of traffic flow, the limited width and lack of footway provision along part of Wood Royd Road, and the narrowing of the carriageway from on-street parking along its length.

As before, the application should be assessed against UDP Policies H14 and H15. UDP Policy H14 part (d) requires development to not endanger pedestrians, provide safe access to the highways network and appropriate off-street parking. Policy H15 (Design of New Housing Developments) identifies that easy access to homes and circulation around the site for people with disabilities or with prams should be provided.

Also relevant are Core Strategy Policies CS51 and CS53. CS51 relates to the strategic priorities for transport, and includes maximising accessibility, containing congestion levels and improving air quality and road safety. Policy CS53 relates to the management of demand for travel, which includes implementing travel plans for new developments to maximise the use of sustainable forms of travel and to mitigate the negative impacts of transport, particularly congestion and vehicle emissions.

These local plan policies are generally considered to align with government policy contained in the NPPF (paragraphs 104 to 113), which promotes sustainable transport. Paragraph 111 makes it clear 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.

Wood Royd Road is a single carriageway road subject to a 30mph speed limit. The existing access to the site comprises of a narrow farm track set between two stone pillars located to the south of Nos. 9-11 Wood Royd Road. In the vicinity of the site, several residential properties on both sides of the carriageway have direct driveway access and in many cases residents have to reverse out into the carriageway due to the lack of on-site turning. There are no parking restrictions along Wood Royd Road in the vicinity of the site and many residents park on-street, in particular along the western edge of the carriageway where there is a continuous footway. On the eastern side of the carriageway there is a long gap in footpath provision to the north of the site access.

The proposed access arrangements would remain similar to the scheme that was previously refused. The proposed site access would measure 5.5m in width, which will allow two cars to pass and refuse vehicles to enter and leave the site in a forward gear, with 1.8m wide footways provided on either side. The footway would tie into the existing provision to the south of the site, and then be extended along the site frontage to the north.

The change to the junction arrangement proposed by the applicant is the

introduction of dropped kerbs with tactile paving to help pedestrians and wheelchair users cross Wood Royd Road, with the crossing located almost mid-point between the site access and Armitage Road. Reflective bollards were shown on the submitted plans at three metre centres along the site frontage (front of footway) to discourage on-street parking and enhance visibility of the site access. However, vehicular access to the neighbouring property would be impeded by the proposed bollards. An alternative solution, to which the applicant has agreed, is to introduce double yellow lines to keep the pedestrian crossing free from on-street parking. Waiting restrictions would need to be advertised in accordance with the usual procedures.

The centreline of the proposed access would be positioned 20m to the north of the Wood Royd Road and Armitage Road junction. This would be in accordance with Section B.3.1 of the South Yorkshire Residential Design Guide, on streets with design speeds over 20mph, where the minimum junction spacing is 40m for same side junctions and 20m for opposite side junctions.

By demolishing the front section of the farmhouse, as proposed, the proposed vehicular access would achieve a visibility splay to the north of 2.4m by 41m, 1.3 metres off-set from the channel, and 2.4m by 43m to the south. The brow of the hill on Wood Royd Road is considered by highway officers to be sufficiently far north to have no bearing on the available visibility from the site access. Also, once the highway has been crossed, the footway is not fragmented like it is on the eastern side of Wood Royd Road.

The location of the proposed access to the development site has not moved any closer to Armitage Road under the current application. The key change is the provision of dropped kerbs and tactile paving to help pedestrians cross Wood Royd Road, thereby avoiding the fragmented footway on the eastern side. The additional introduction of double yellow lines would prevent the proposed pedestrian crossing from being obstructed by parked cars and stop cars from parking too close to the junction. Some of the safety issues raised by residents (about on-street parking obstructing sightlines) might also be eased, though it should be noted that no personal injury accidents have been recorded over the past 5-year period at the Armitage Road junction, nor along the length of Wood Royd Road (other than one slight injury accident at the junction with Carr Road).

The supporting Transport Assessment confirms that the proposed junction geometry for the site access and visibility splays would accord with national standards and that stopping sight distances are appropriate for the measured speeds of vehicles travelling along Wood Royd Road. Existing on-street parking to the north of the proposed site access is all on the western side of Wood Royd Road, so it would not mask oncoming traffic for drivers looking to the right upon leaving the development site. To the south of the proposed access, the existing on-street parking transfers mainly to the eastern side of Wood Royd Road. Residents leaving the development site looking to the left would edge towards the centreline of Wood Royd Road, before gaining a clear view and pulling out fully.

The submitted Transport Assessment reviewed the sustainability of the development site's location, which is situated within the established residential

conurbation of Deepcar. The document titled 'Providing for journeys on foot' published in the year 2000 by The Institute of Highways and Transportation quotes 'acceptable' and 'maximum' walking distances to different types of destination. For schools, the distances are 1000 and 2000 metres respectively (acceptable and maximum). Stocksbridge High School is 1700 metres away. Deepcar St John's School 500 metres. Deepcar Medical Centre is 450 metres, the same distance for groceries and a newsagent. There are bus stops within easy walking distances for service numbers 23/23a, 57 and SL1/SL1a. It is therefore considered that the refusal of this planning application on the grounds of its unsustainable location would not withstand scrutiny.

Trip generation from the development (based on 41 houses) was derived from TRICS, which predicted 21 two-way vehicular trips during the weekday morning and evening peak hour periods. The transport assessment commissioned an Automated Traffic Count (ATC) on Wood Royd Road which indicated 134 two-way vehicle movements during the morning peak, and 140 two-way movements during the evening peak. 140 movements equate to 2.3 vehicles per minute. The 21 two-way development trips would add a further 0.4 vehicles per minute to the immediate highway network during the peak periods. The ATC obtained data over a 7-day period (24 hours) between Tuesday 2nd November to Monday 8th November 2021 (outside half term). The data was then used to calculate the 85th percentile approach speeds and weekday average flows.

In order to gain an indication of the multi-modal trip generation from the development, the 2011 census was reviewed for the "method of travel to work" for Deepcar, which revealed 74% of trips were by driving a car/van, 8% by bus, 6% by foot, 5% car passenger, 7% other. Applying the 6% by foot to the development proposal would give 2 pedestrian movements. Dropped kerbs and tactile paving are proposed to help pedestrians cross Wood Royd Road and Armitage Road, with double yellow lines to prevent cars from obstructing the crossing.

Finally, the occupant of a neighbouring dwellinghouse asserts that the boundary of their property (No.15) would be breached in order to deliver the proposed site access, and that the proposed junction layout of the site access would prevent vehicular access to their drive and garage - their Land Registry Title Plan shows the front boundary or freehold of the property running concurrently with the channel-line of Wood Royd Road. However, Council records indicate that the footway forms part of the adopted public highway, with just a small strip of private forecourt in front of No.15 and the neighbouring cottages. In many instances, property deeds show land ownership up to the centre of the roads they abut, and in most cases the roads and footways are adopted public highways. Where this occurs, it is the subsoil that is, in most cases, within the ownership of the property owner.

Adopted carriageways and footways are maintained by the Local Authority. They are regularly and openly travelled by the general public, which has been the case in respect of the land in front of No. 15 for a period of at least 25 years. Officers are therefore satisfied that the boundary of this property has not been breached in order to achieve the necessary visibility, or that the proposed access road would prevent safe vehicular access to and from the driveway and garage.

While the previous highway reason for refusal is a material consideration that carries weight in the determination of this application, it is considered that the revisions to the junction arrangement, with the introduction of dropped kerbs and tactile paving to help pedestrians and wheelchair users cross Wood Royd Road together with double yellow lines to discourage on-street parking and enhance visibility, addresses a large part of the highway reason for refusal, which must also be taken into consideration in the planning balance, as discussed below.

Design

The proposed layout and number of units have not changed from the previous scheme, and it was not one of the three reasons for refusal. As such, this section of the report remains unchanged from that reported to the committee in 2021.

Chapter 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development, which creates better places in which to live and work. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to say that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that, amongst other things, planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The relevant policies of the development plan in respect of design and layout of new housing development are UDP Policies BE5, H14, and H15 and Core Strategy Policy CS74.

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

UDP Policy H14 relates to conditions in Housing Areas, and at part (a), states that new buildings should be well designed and in scale and character with neighbouring buildings.

UDP Policy H15 relates to the design of new housing developments and amongst other things states that ease of access to homes and circulation around the site for people with disabilities and prams will be expected, as would adequate private gardens to ensure basic standards of daylight, privacy and outlook for all residents.

Core Strategy Policy CS74 (Design Principles) expects high-quality development that respects, takes advantage of and enhance the distinctive features of the city, its districts and neighbourhoods including, at part (c), the townscape character of

neighbourhoods with their associated scale, layout and built form, building styles and materials.

These policies are considered to be broadly consistent with government policy contained in the NPPF.

Within the vicinity of the site entrance, the character of the area is one of traditional two-storey stone housing. Although there is some variation across the wider area, the predominant material is coursed local gritstone that in most instances has darkened as a result of years of pollution.

The application has been submitted in outline, with all matters reserved except for access. Matters of appearance, siting and design will therefore be subject to a separate Reserved Matters application. Nevertheless, as part of this outline application, the applicant has submitted a Design Guide and indicative layout drawings that would provide a clear steer of how the site could be developed.

The site would be accessed from Wood Royd Road to the southern side of the retained farmhouse. The site's existing single storey farm buildings would be demolished.

The main access road would extend in an eastwardly direction through the central part of the site, following the upper edge of the adjacent woodland then arching in a northerly direction towards the north-eastern edges of the site. From the main access road, two secondary access roads would branch off to form two smaller cul-de-sacs, the first in a southward's direction serving eleven dwellinghouses (Plots 31-41) and the second in a northerly direction serving fifteen dwellinghouses (Plots 07-21). The layout also includes a green corridor running north-south, the purpose of which is to help manage the layout given the sloping topography of the site whilst creating an attractive setting for the new homes. The layout plan shows the central green corridor would cover an area of 2,750 square metres, the wooded margin some 5,500 square metres, and the 15m buffer zone some 1,390 square metres.

As set out in the Design Guide, the proposed layout seeks to respect and positively respond to the site's existing landscape, particularly the heavily wooded boundaries that provide an attractive woodland fringe to the east and south. To protect the woodland, the houses along the southern boundary would be positioned not less than 15m from the woodland edge and further planting is proposed along the site's northern and eastern boundaries.

The proposal includes a mixture of detached and terraced housing. The house types are envisaged to be traditional in form, principally 2-storey in height with pitched roofs not less than 30 degrees.

In terms of materials the Design Guide states that the secondary access roads would be surfaced in permeable block paving. The houses would be constructed largely using local coursed stone, with stone heads and cills, factory finished timber windows and doors and be roofed with natural blue slate. Boundary walls would be natural stone to match the houses. It is envisaged that stone salvaged

from the removal of the natural stone field boundaries would be reused as boundary walls and landscaped features within the public realm.

The front section of the existing farmhouse (approximately 4m) would be demolished, in order to achieve improved sight-lines to Wood Royd Road, and the materials used to extended to its eastern side. Works to the farmhouse and adjoining barn would be subject to a full planning application as they fall outside the scope of this outline application.

It is considered that the site can reasonably accommodate up to 41 dwellinghouses with a range of house types that would sit comfortably within the context of the site and not unduly harm the character of the surrounding area.

The use of natural stone and slate is welcomed as is the careful treatment of the site's boundaries and incorporation of an open space area and landscaped buffer to provide a soft edge to the adjoining woodland.

It is considered therefore that development would therefore comply with Policies BE5, H14 (a) and H15, and Core Strategy Policy CS74.

Landscape Character and Ecology and Biodiversity Issues

One of the three reasons for refusal of the previous application related to the loss of open space, which forms part of the Council's Network of Green Links. As set out in the second reason for refusal, it was stated that the development of the site would detract from its green and open character and cause serious ecological damage by failing to contribute to and enhance the natural and local environment through the loss of land that is considered to be of high biodiversity value and recognised for its intrinsic landscape character.

As before, the proposal should be assessed against UDP Policies GE11 and BE6 and Core Strategy Policy CS74. Policy GE11 seeks to protect and enhance the natural environment and promote nature conservation and Policy BE6 requires new development to provide a suitable landscape scheme with regards to new planting and/or hard landscaping and details of existing vegetation that is to be removed or retained. Core Strategy Policy CS74 expects high-quality development to respect and enhance the distinctive features of the city including its Green Networks, important habitats, waterways, woodlands, and other natural features.

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, mitigating harm and providing net gains in biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

It is considered that the local policy aims of protecting and enhancing ecology are compatible with the NPPF and therefore retain substantial weight.

The previous application included a Preliminary Ecological Appraisal Report

(PEAR) which identified that the site comprises largely of poor semi-improved grassland. This report was updated following an additional field survey carried out in November 2021. While this a sub-optimal time of year to carry out an ecological survey, this is not considered to be a major constraint as there have been no significant changes to the habitats present on site since the initial survey.

The survey found that the existing trees on site had negligible potential for roosting bats and of the ten buildings on site, including the farmhouse and barn, three were classified as having moderate bat roosting habitat potential, five low and two negligible. The updated report also found that buildings possessed varying potential to support roosting bats. The applicant therefore commissioned further nocturnal emergence surveys on buildings B2a, B2c, B2d, B2e and B3, which is recorded within the supporting Nocturnal Bat Surveys prepared by Ramm Sanderson Ecology Ltd. These nocturnal surveys were carried out in June/July 2022. These surveys found no bat roosts on site, and as such bat roosts are considered to be absent from the site's buildings, and therefore the demolition and/or renovation of these buildings will not require a Protected Species Licence (PSL). While no bat roosts were identified within any of the buildings, the report details that the absence of bats can never be completely ruled out, particularly given the suitability of the features observed on the site buildings for roosting bats, any demolition and/or renovation works should be conducted under a Precautionary Method of Works. The report recommends a sensitive lighting strategy should be implemented across the development site to prevent indirect impacts to any bat species that may utilise the site for foraging and commuting. The report also recommends the development include the incorporation of bat and bird nest boxes and hedgehog boxes.

In terms of other species, no reptiles were recorded, and there were no badger setts or field signs observed during the first and second surveys.

SCC Ecologists have confirmed that they are satisfied with the supporting ecology reports and appraisals and that the application does not raise any specific constraints from habitat values in respect of the proposed development. With appropriate mitigation measures, it is considered that any effect on protected species and habitats as a result of the development would not be significant. The standard suite of ecological conditions should be attached to cover the recommendations set out in the ecological and bat reports.

The PEAR identifies the importance of Fox Glen Woods LWS, which is designated for its ancient woodland, and notes that nearby south and south-east facing gardens risk introduced species encroaching into the ancient woodland. As before, the report recommends that a 15m buffer be maintained between the LWS and the proposed development in line with Natural England guidance (2019), which is shown on the indicative site layout plan.

As described, the previous application was refused as it was considered that the development would detract from its green and open character and cause serious ecological damage by failing to contribute to and enhance the natural and local environment. The reason sets out that the site is considered to be of high biodiversity value and is recognised for its intrinsic landscape character. To

address this reason for refusal, the applicant commissioned a Landscape/Townscape and Visual Appraisal (LTVA), prepared by FPCR Environment and Design (February 2022). The purpose of the study was to provide an independent assessment of the likely landscape and visual effects of the proposed development.

The LTVA details that the site and the local townscape/landscape is not covered by any townscape/landscape quality designation at either a national or local level. The report details that the topography of the site's context is dominated by the combination of valley and ridgeline landforms. The site occupies part of a general roll in the wider valley slopes created by a small subsidiary valley. As a result, the site has a general aspect towards the east and north east, with the land generally falling from its western side alongside Wood Royd Road in an easterly and north easterly direction. It is considered to be a well-defined and contained sloping parcel of land surrounded by existing built development within the settlement area.

In terms of landscape value, the report details that the site does not include any statutorily designated nature conservation sites and that there are no known ecological matters of significance in relation to the site. The condition of the landscape within the site has been assessed as poor to moderate. Urban influences dominate within the immediate context, which includes housing, industrial areas on the lower lying land and nearby roads.

The report comments that the level of landscape/ townscape effect arising from the proposed development would amount to a 'minor adverse' effect at a localised scale, and at a broader level, which would encompass the wider settlement area and its landscape context, the effect would be 'negligible'. These quantified effects are stated in the report as being down to the presence and dominance of existing residential and built development within the site's wider context. In visual terms, the report states that the most notable visual effects arising from the proposed development will be confined to a relatively limited number of existing dwellings immediately adjoining or close to the boundary of the site. The visual effect of the proposed development on these neighbouring properties has been assessed as being up to 'moderate adverse'.

Other views towards the proposed development will be limited and largely confined to more distant positions and receptors, including some Public Rights of Way and a small number of farming or other properties situated on the rising valley slopes to the north of the existing settlement area. These also include passing views from the A616 (Stocksbridge Bypass) and the slip road to the Fox Valley Shopping Park. Within these views the proposed development has been assessed as forming only a minor or very minor part of the wider settlement area and any visual effect upon these receptors will be 'negligible' or at most 'minor adverse'.

The report concludes that in landscape/ townscape and visual terms, the proposed development provides an appropriate and characteristic design response to the site and will result in no more than limited or localised landscape/townscape visual effects.

In relation to biodiversity net gain (BNG), as set out in the Preliminary Ecological Appraisal (PEA), it has been found that the development of the site offers opportunity to enhance the site's biodiversity. Any loss of trees on site would be off-set through replacement tree planting, the introduction of species rich hedgerows and that the grassland within the south and the centre of the site should be retained and enhanced through the creation of wildflower meadows. It is reported that there is potential for significant gains of up to 22% in habitat units and 100% in hedgerow units, which would exceed the minimum requirement of Biodiversity Net Gain by 11%. Further opportunities for bio-diversity net gain could also be achieved through the provision of attenuation basins as part of the site's surface water drainage.

It is acknowledged that the development would diminish the open character of the site. However, views of the site are limited and the vast majority is made up of pastoral fields, which is categorised as Grade 4 (poor quality) in accordance with the ACL. It is therefore considered that the biodiversity value of the site is low to moderate and not of high value as set out in the reason for refusal.

Officers' consider that the Landscape/Townscape and Visual Appraisal (LTVA) to be a robust and comprehensive assessment of the landscape and townscape characteristics of the site. The appraisal finds that the proposed development would have no more than limited or localised landscape/townscape visual effects. It should also be noted that, in order to be defined as a valued landscape, land must inhibit particular landscape features that are 'out of the ordinary' rather than a designation or perceived value; a view that was upheld in the high court (Decision ref [2015] EWHC 488 between Stroud District Council v Secretary of State for Communities and Local Government) that ruled that valued landscapes must have distinctive, intrinsic value (i.e. special features) and had to show some demonstrable physical attribute rather than just popularity. While the site is open and provides some visual amenity value, it does not possess features of any significant value that would justify its unconditional protection from development.

Also, as previously set out in the report, the site's value to the local community is the visual amenity afforded by its open character and appearance from a small number of public vantage points located outside the site and from views from private residential properties. Where a parcel of open space serves no recreational or leisure purpose, and is only valued for its visual qualities, which is the case in this instance, the land in question would fail to meet the specific requirements of open space definition as set out in the annexe to the NPPF.

The indicative layout plan shows that a landscape buffer would be provided along the full length of the southern boundary between the nearest houses and the adjacent LWS. This would ensure that there is no adverse impact on the adjacent wildlife corridor, which forms part of the Council's Green Network. Generous tree planting is also proposed along the eastern fringes of the built area that would provide an attractive feature that would increase the site's biodiversity and be of benefit to wildlife.

These benefits, in addition to the updated Preliminary Ecological Appraisal Report, Nocturnal Bat Surveys and conclusions of the LTVA, must be taken into

consideration in the planning balance.

Heritage and Archaeological Issues

UDP Policy BE20 encourages the retention of historic buildings of local importance and policy BE22 sets out that sites of archaeological interest will be preserved, protected and enhanced. Policy BE22 goes on to say that development will not normally be allowed which would damage or destroy significant archaeology sites and their settings. Where disturbance of an archaeological site is unavoidable, the development will be permitted only if a) an adequate archaeological record of the site is made and b) where the site is found to be significant, the remains are preserved in their original position.

Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It goes on to say that when weighing up proposals that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Archaeology

As there was a risk of encountering significant archaeological remains that might preclude or restrict development, the applicant agreed to commission an archaeological consultant (Pre-Construct Geophysics) to carry out a geophysical survey of the site. The survey found that there is potential for buried archaeological remains likely to be associated with 18th and 19th century mining and farming activities.

South Yorkshire Archaeology Service (SYAS) consider that it is likely that buried remains would have no more than regional importance, but that the development would result in the partial loss or even destruction of their heritage significance. Where development resulting in the loss of archaeological sites is permitted, UDP Policy BE22 and the NPPF at paragraph 205 require that provision be made to secure a record of heritage assets in advance of their loss.

As such, in the event that outline planning permission is granted, SYAS has recommended that a condition be attached that requires an archaeological evaluation of the application area and archaeological building record of the historic structures at the site to be undertaken in accordance with a written scheme of investigation.

Effect of Development on a Non-Designated Heritage Asset

The supporting Heritage Statement (HS) states that the site does not include any designated heritage assets and does not lie within a designated area or within the setting of any designated heritage assets.

Wood Royd Farm is a linear farmstead that dates from the late 18th century. The HS says that the main range has retained its overall structural form but has undergone considerable repair and extension over its lifetime. The outbuildings are deemed to be of limited interest.

The HS concludes that the development will result in the partial loss of the linear farmstead and associated outbuildings, which would amount to a minor degree of harm to the architectural and historical interest of Wood Royd Farm. The report also states that there would be a moderate to high degree of harm to the ability to experience the architectural and historic interest of Wood Royd Farm through the development of the open pastoral fields.

As described, paragraph 203 of the NPPF states that the effect of a scheme on non-designated heritage assets should be taken into account in determining the application. The level of weight afforded should be proportionate to the scale of harm and the significance of the asset.

The proposal includes the demolition of all outbuildings, plus the northern extensions and western gable of the farmhouse. It will also involve the loss of the historic yard area and development of the adjoining land. Noting these impacts, SYAS has nevertheless stated that in their view, any harm to the site's heritage significance would be less than substantial and should be weighed against the merits of the proposal (the planning balance).

An assessment of the amended proposal has also been carried out by the Council's Conservation Officer, who agrees with the established position that the building is a non-designated heritage asset and that the adjoining pastoral fields comprise part of its wider rural setting, but that the heritage interest and significance of the site is at the lower end of the spectrum of non-designated heritage assets. He considers the main interest of the site to be the relatively early age of the building and to a lesser extent its historic interest, as it demonstrates the nature and use of such farmsteads and their development over time but notes, as described in the heritage statement, that farm buildings of this type and form are not rare within the area.

The building's architectural interest, whilst still legible, is not considered to be of high value and has to an extent been detrimentally affected by less desirable changes over the years and the landscape value of the fields is likely greater than any heritage value linked to Wood Royd Farm. The farm buildings are unlikely to meet the relevant criteria for Local Listing, but as a non-designated heritage asset, as espoused by paragraph 203 of the NPPF, there is a need to take a balanced judgement having regard to the scale of any harm or loss and the degree of significance of the heritage asset being affected.

The previous reason for refusal, relating to the impact of the development on the significance of a non-designated heritage asset, is a material consideration and it is considered that the partial demolition of the farmhouse and outbuildings, and the loss of the associated pastoral fields would cause harm to the significance of a non-designated heritage asset. However, having regard to the scale of the harm and the significance of the heritage asset, and bearing in mind the conclusions of the LTVA, which finds that the proposed development would have no more than limited or localised landscape and townscape visual effects, it is now considered that there would be limited harm to the visual amenities and character of the wider area.

It is considered that the amended Heritage Statement takes a predominantly balanced view of the proposals and largely makes a fair assessment of the proposals and potential impacts. There is clearly some harm to the non-designated asset as a result of proposals to demolish part of the former farmhouse, which would diminish its historic interest. As would the loss of the pastoral fields through the development of the site for housing, which together with roads and associated infrastructure would extend across a large part of the application site. The legibility of the buildings historic form and to some extent the uses and activities on the site will be partially lost. The proposal to retain the most part of the former farmhouse and the barn is nevertheless positive in that original fabric and an element of authenticity will be retained. Also positive in officers' opinion, is the proposal to retain the area below the housing site as informal open space, and the proposed landscape buffer zone between the site and the adjacent woodland edge, both of which would help to mitigate to some degree the loss of the open fields.

This level of harm should also be weighed against the wider benefits of the scheme as set out in the NPPF, including the proposal to retain the most part of the former farmhouse and the barn, in light of the Council's inability to demonstrate a five year supply of deliverable housing sites, which triggers the tilted balance in line with paragraph 11 of the NPPF (as set out below).

Flooding/Drainage Issues

UDP Policy GE17 relates to rivers and streams. It states that as part of the development of the Green Network, all rivers and streams will be protected and enhanced for the benefit of wildlife and, where appropriate, for public access and recreation. This includes not permitting the culverting of any river or stream unless necessary and setting back new development to an appropriate distance from the banks of rivers and streams to allow for landscaping. The UDP defines an appropriate distance as being 8 metres in the case of major rivers and streams.

Core Strategy Policy CS67 (Flood Risk Management) seeks to reduce the extent and impact of flooding by requiring all developments to significantly limit surface water run-off, to use Sustainable Drainage Systems (SuDS) or sustainable drainage techniques, and to ensure that any highly vulnerable uses are not located in areas at risk of flooding.

These development plan policies are broadly consistent with government policy contained in NPPF which states, at paragraph 159, that inappropriate

development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

The application was accompanied by a Flood Risk Assessment (FRA), which states that the application site is in Flood Zone 1 (at low risk of flooding from fluvial and tidal sources) and there are no open watercourses located within the site area.

Clough Dike, a main river, flows adjacent to the site's south-eastern site boundary and flows underground in two culverted sections. This culvert is a masonry structure with a stone slab soffit which is approximately 5m below ground at the upstream-end and 20m below ground at the downstream-end.

The FRA shows that the site is generally unaffected by surface water flooding. However, there is an overland flow path originating from an off-site area along Armitage Road, to the west of the site boundary, which crosses the site in a north-easterly direction. The LLFA have also commented that incidents of flooding in the area caused by the exceedance of Clough Dyke confirm that overland flow routes do impact on the site.

The FRA states that based on the underlying geology, hydrogeology and soils, it is anticipated that the site has limited potential for infiltration, although this would need to be ascertained through testing. In addition to the soil composition, owing to the steep fall in levels across the site, the use of infiltration features such as soakaways is likely to be limited.

An attenuation-led drainage strategy is therefore proposed by the applicant, with SuDS features to capture, contain and convey surface water run-off to an appropriate and available discharge receptor. The FRA details that the proposed layout would allow the conveyance of surface water across and from the site, that the surface water drainage strategy for the proposed development would include measures for the management of impacts on the surface water run-off regime, and that the drainage strategy could also be used to help manage the surface water flood risk.

The proposed surface water drainage strategy adheres to the sustainable drainage hierarchy and also incorporates sustainable drainage systems (SuDS). Although not established at the moment, if a surface water drainage connection from the site to Clough Dike could be achieved, then a discharge into this watercourse at an attenuated rate is suggested. If this is not possible, the FRA suggests a drainage connection from the site to one of the surface water sewers in the area. The FRA also recommends that the finished floor levels of buildings should be elevated above surrounding ground levels by at least 150mm.

The FRA states that, with the incorporation of a sustainable surface water drainage strategy, the proposed development can manage the quantity and quality of surface water runoff.

The Environment Agency has stated that they have no objection to the proposed development subject to conditions being attached. These include a condition to identify and protect Cough Dike Culvert, and a survey that correctly identifies the

path of the culvert to ensure that an adequate buffer zone can be maintained between the culvert and the development site.

Yorkshire Water have recommended that if granted, conditions be imposed that include no piped discharge of surface water from the development prior to the completion of surface water drainage works.

The LLFA has confirmed that the proposed range of SuDS techniques are acceptable, subject to arrangements for the management of all surface water infrastructure.

While the development would lead to the hard surfacing of a large proportion of the site, a detailed drainage scheme should ensure that there are no significant harmful impacts from surface water run-off. The proposal is therefore acceptable in principle from a drainage perspective.

Effect on the Residential Amenity of Neighbouring Properties

UDP Policy H14 (c) expects sites not be overdeveloped or development to deprive residents of light, privacy or security and, at part (k), to not lead to air pollution, noise, smell, excessive traffic levels or other nuisance for people living nearby. This is reflected in paragraph 130 (f) of the NPPF, 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.

As the application has been submitted in outline with all matters reserved except for access, the applicant has only submitted an indicative plan of how the site could be developed to accommodate 41 dwellinghouses.

The properties likely to be most affected by the development include a small group of dwellinghouses that are situated to the north and south of the existing farmhouse. However, the indicative plan shows that appropriate garden sizes and privacy distances can be achieved that would comfortably accord with the guidance contained in the SPG Designing House Extension. A more detailed assessment of amenity issues would be carried out at reserved matters stage when the proposed layout, scale and external appearance of development is known.

No. 15 Wood Royd Road lies to the southern side of the proposed access road and has ground and first floor windows within its side elevation facing the access road. The residents of this property would experience some increased noise disturbance resulting from the increased use of the reconfigured access road, however it is considered that the impact would not be so significant as to warrant a refusal on amenity grounds. A distance of approximately 7m would be maintained between the side elevation of no.15 and the nearest part of the vehicular access, which together with appropriate acoustic boundary treatment and/or planting should prevent any significant noise disturbance over and above that already experienced from traffic on Wood Royd Road.

Based on the above, it is considered that the development would not significantly impact on the residential amenity and living conditions of neighbouring properties. This view was accepted by Members, with the effect on neighbouring properties' residential amenity not included within the three reasons for refusal.

Ground Conditions and Coal Mining Legacy

UDP Policy GE25 relates to contaminated land and states that where contamination is identified, development will not be permitted on, or next to, the affected land unless the contamination problems can be effectively treated so as to remove any threats to human health or the environment.

This policy aligns with paragraph 183 of the NPPF, which requires a site to be suitable for its intended use taking account of ground conditions, land instability, contamination, natural hazards and/or previous activities such as mining.

The application site is situated within a Development High Risk Area for former coal mining activities, meaning that an assessment needs to be undertaken to establish whether there are coal mining features and hazards which may impact on the proposed development.

The application was accompanied by a Coal Mining Risk Assessment (CMRA) which explains that the risks to the proposed development would stem from coal seams being worked at shallow depth and the presence of a recorded mine entry. The report recommends that intrusive investigations be carried out in the form of trial pit/rotary boreholes in order to establish the depth and conditions of any coal seams, as well investigate the exact location and condition of the on-site mine entry.

The Coal Authority has stated that they agree with the recommendations of the report in that there is a potential risk to the development from former coal mining activity as well as from mine gas. The Coal Authority has stated that they have no objection subject to the imposition of conditions that require intrusive site investigations to be carried out, and if necessary remedial/mitigatory measures to ensure that the site is, or can be, made safe and stable for the proposed development.

The Council's Environmental Protection Service (EPS) confirmed that the application site shares a boundary with adjacent land that has been identified as potentially contaminated due to a former use as a quarry and brick works. The site is also in close proximity to other areas identified as potentially contaminated due to its former use as a quarry (presumed infilled) and historic landfill sites. Additionally, as the site falls within an area known for former coal mining activities, there is potential for the presence of contaminants and/or ground gases which could impact upon human health and/or the environment.

It is therefore considered necessary for the full suite of land contamination conditions to be attached in the interests of remediating any known or found contamination on site.

Affordable Housing

Core Strategy Policy CS40 expects developers of housing developments in all parts of the city to contribute to the provision of affordable housing from all new housing developments where practicable and financially viable. Guideline GAH3 of the CIL and Planning Obligations Supplementary Planning Document (December 2015) sets out the circumstances where the Council may accept a commuted sum in lieu of an on-site contribution, for instance, where significantly more affordable housing of a high quality could be provided in the local area through off-site provision.

In the Stocksbridge/Deepcar Affordable Housing Market Area it has been shown that 10% affordable housing is viable on the majority of sites and is therefore the expected developer contribution for this part of the city. In accordance with Core Strategy Policy CS40, the trigger for developers to contribute to the provision of affordable housing is 15 units. As the development includes up to 41 dwellings, the trigger is met.

The definition of affordable housing is set out in Annex 2 of the NPPF and states that affordable housing is housing for sale or rent, for those whose needs are not met by the market, and which complies with one or more of the following (affordable housing for rent, starter homes, discounted market sales housing and other routes to home ownership). Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

The application was accompanied by an Affordable Housing Statement which details that the applicant is agreeable to the provision of affordable housing in accordance with development plan policy and within the definition of Annex 2 of the NPPF subject to an independent viability assessment when details are confirmed.

The mechanism for securing the provision of affordable housing cannot be done by planning condition, and instead must be secured by legal agreement. The applicant has therefore agreed to enter into a legal agreement with the LPA in order to secure the delivery of 10% affordable housing provision and has provided officers with a draft agreement.

The Council's Strategic Housing Section previously confirmed that the 10% contribution rate would equate to four affordable units, and recommends on-site provision of one 2-bed, two 3-bed and one 4-bed units for Affordable Rent (the tenure which the current transfer rate is based on). This view has not changed under this resubmitted application.

Sustainability Issues

Core Strategy Policies CS63, CS64 and CS65 of the Core Strategy, as well as the

Climate Change and Design Supplementary Planning Document (SPD), set out the Council's approach to securing sustainable development.

Policy CS63 gives priority to developments that are well served by sustainable forms of transport, that increase energy efficiency, reduce energy consumption, carbon emissions and that generate renewable energy.

Policy CS64 sets out a series of actions to reduce the city's impact on climate change. Policy CS65 relates to renewable energy and carbon reduction, and states that all significant developments will be required, unless this can be shown not to be feasible and viable to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. An equivalent 10% reduction in a development's energy needs from a fabric first is also acceptable (although not referenced in the policy).

These policies are considered to be consistent with government policy contained in the NPPF and should be afforded significant weight. Paragraph 157 confirms new development should comply with development plan policies for decentralised energy supply unless it is not feasible or viable having regard to the type and design of development proposed. Landform, layout, building orientation, massing and landscaping should also be taken into account to minimise energy consumption.

The Sustainability Statement submitted with the application states that it is not possible to identify detailed measures to ensure how the 10% requirement would be delivered, although it does say that this is expected to be achieved through the use of solar panels/photovoltaics cells. The requirements of Core Strategy Policy CS65 can be secured by planning condition.

The application site is situated in a sustainable location with a range of shops and services within walking distance. A regular bus service runs along Carr Road.

Community Infrastructure Levy

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development.

The site falls within CIL Charging Zone 3 and a CIL charge of £30 per square metre applies. There is an additional charge associated with the national All-in Tender Price Index for the calendar year in which the relevant planning permission is granted (£39.33 per square metres with indexation). All charges accord with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

In this instance the proposal is liable for CIL charges owing to the development relating to the erection of housing.

Other Issues

The Environmental Protection Service (EPS) advises that the development is of a scale that would warrant a Construction Environmental Management Plan (CEMP)

to manage and minimise local impacts on amenity and other environmental impacts. The content of the CEMP, which is secured by condition, would place a restriction on working hours (0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturday) as well as controls over noise and dust emissions.

EPS also advise that good acoustic design should be informed by an Initial Site Noise Risk Assessment, as per the best practice guidance contained in PPG: Planning & Noise (May 2017). These matters can also be secured by planning condition.

Titled Balance

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision making, 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 either the two points are not met:
 - i) the application of policies within the Framework 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 within the Framework taken as a whole.

Footnote 8 to paragraph 11 states that development plan policies that involve the provision of housing should be viewed as out-of-date in instances where the local planning authority is unable to demonstrate a five year supply of deliverable housing sites.

In terms of the application of policies within the Framework that protect areas or assets of particular importance, these are set out at footnote 7 to paragraph 11 and include development proposals on land designated as Green Belt, Areas of Outstanding Natural Beauty, and designated heritage assets such as Listed buildings and Conservation Areas.

Members are advised that at the time of the previous application, the Council had a 5 year supply of deliverable housing sites, and as such, when assessing the planning merits of the application, development plan policies that related to the supply of housing were not automatically out of date. However, and as described above, the Council is no longer able to demonstrate a 5 year supply of deliverable housing sites, with the revised 5-Year Housing Land Supply Monitoring Report concluding that there is evidence of only a 4 year supply of deliverable housing land. Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered 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. The application includes no protected areas or assets of particular importance as described in footnote 7 of paragraph 11, (such as conservations areas, listed buildings or green belt) within the boundary of the application site.

Unlike the last application, in this instance the NPPF is clear in its position that unless there are adverse impacts of doing so, which would both significantly and demonstrably outweigh the benefits, planning permission should be approved.

The balancing exercise is set out below, weighted in favour of sustainable development, to reach an overall conclusion on the acceptability of the scheme. The application of the planning balance is a matter of judgement for the decision maker.

To reiterate, the previous scheme was refused for three reasons, with the previous decision of the Council forming a significant material consideration in respect of this resubmitted application.

To address the three reasons for refusal, the applicant has submitted a number of additional documents in addition to submitting revised proposals that seek to improve visibility at the site entrance, additional landscape corridors as well as commissioning a landscape/townscape visual appraisal and archaeological field evaluation of the site in order to establish the likely effects on landscape character and archaeological implications of the proposal. Amongst others, these include a Landscape/Townscape and Visual Appraisal (LTVA), a geophysical survey of the site, updated Heritage and Transport Statements, a Preliminary Ecological Appraisal (PEA) and nocturnal survey reports.

As part of the balancing exercise, officers have set out below the negative and positive aspects of the revised scheme, and the weight that should be given to each.

Negative Aspects:

- Demolition of part of the farmhouse and loss of pastoral fields that would result in some harm to the significance of a non-designated heritage asset. The harm however is considered to be less than substantial and should carry moderate weight.
- The loss of an area of land that is designated an Open Space Area. This should only be given limited weight as the land does not have an open space function beyond its visual amenity and would not therefore comply with the NPPF open space definition.
- Narrowing of the area's green network allocation. This should be only given limited weight as a minimum 15m wide landscape buffer would be provided between the built form and the Fox Glen Local Wildlife Site (LWS) in line with Natural England's standing advice, thus limiting any impact on the

green network. The amended scheme also includes 2 further green corridors over and above that previously submitted.

- Increased vehicle movements along Wood Royd Road that could lead to increased congestion and loss of on-street parking, and increased conflict between vehicles entering onto Wood Royd Road and the free flow of pedestrians along the highway. However, it is considered that any harm to the highway network would be low as the likely increase in vehicular movements resulting from the development would not be significant.
- Potential risk of flooding through the partial loss of open grassland. However, the Environment Agency and the LLFA have raised no objection to the development from a flood risk perspective, subject to the attachment of conditions that includes the submission of a drainage strategy, and while the proposal would include large areas of hardstanding across part of the site, it is not considered that the proposal would exacerbate flooding in the area and would amount to little or no harm.
- Increased noise disturbance from vehicles egressing and ingressing the site that could lead to some disamenity to neighbouring properties, in particularly No. 15 Wood Royd Road. However, as described in the report, a distance of approximately 7m would be maintained between the side elevation of no.15 and the nearest part of the vehicular access, which together with appropriate acoustic boundary treatment and/or planting should prevent any significant noise disturbance over and above that already experienced from traffic on Wood Royd Road. Any harm on neighbouring properties' residential amenity is considered to be low and therefore carries very limited weight in the planning balance.

Positive Aspects:

- The provision of up to 41 dwellinghouses. Significant weight should be given to this benefit in the context of the NPPF requirement to significantly boost the supply of new homes, particularly at a time when the Council is only able to demonstrate a 4-year supply of deliverable housing sites.
- The creation of employment opportunities through the construction process, to which some weight should be given.
- The benefits to the local economy as a result of increased spending by future residents of the dwellinghouses, to which some weight should be given.
- The provision of a policy compliant level of affordable housing (10%), which is given moderate to significant weight.
- Commitment to good design and use of materials which are characteristic of the local area. Good design is a key aspect of sustainable development and should be given moderate to significant weight.
- Retention of most of the farmhouse and barn, which will continue to contribute towards the streetscene on Wood Royd Road, to which some weight should be given.
- The provision of a policy compliant level of predicted energy needs from decentralised and renewable or low carbon energy (10%), which is given moderate to significant weight.
- Remediation of the site from previous coal mining activities, to which some weight should be given.

- Improved sight lines at the site entrance and an improved pedestrian crossing facility on Wood Royd Road that seeks to address in part the third reason for refusal, to which some weight should be given.
- The development of the site offers opportunity to enhance the site's biodiversity by up to 22% in habitat units and 100% in hedgerow units, which would exceed the minimum requirement of Biodiversity Net Gain by 11%. Improvement to the site's ecology and biodiversity across the site should be given moderate to significant weight.
- The updated Bat Survey report found that no bats were found to be roosting in Buildings B2 (a-e) and B3. The development does not therefore impact negatively on protected species or habitats, but does offer opportunities for enhancement, which should be given moderate to significant weight.

As described, the application site is situated partly within a Housing Area where housing is the preferred use under UDP Policy H10, and an Open Space Area, where development should only be permitted upon meeting the number of criteria set out in UDP Policy LR5. While the part demolition of the farmhouse and the loss of the pastoral fields weighs against the development, it is not considered that this in itself provides sufficient grounds to refuse the application. As set out within the report, the supporting Heritage Statement details that such farm buildings of this type and form are not in themselves rare within the area, and that given the pastoral nature of the farming, the setting is not of particularly high heritage value.

As described, the loss of open fields that are used neither for leisure or recreational purposes have limited protection when assessed against policies in the Core Strategy and would fail to meet the definition of open space as set out in the NPPF. The application site is used as grazing land and is not accessible to the public. The site's value to the local community is therefore limited to visual amenity afforded by its open character and appearance. As the land does not meet the required function of open space as set out in the NPPF, the level of protection that the site can be afforded from development is significantly lower from that being afforded to designated open space sites that provides a recreation and/or leisure function.

In relation to the erection housing within the designated Open Space Area, it has been found that the development would not conflict with UDP Policy LR5, and that LR5 can only be given limited weight as the elements of it relating to the protection of open space for visual amenity alone are not consistent with the NPPF.

Policies LR8 and CS47 are not considered to be applicable with respect to this application since LR8 relates to the loss of recreation space, the site is used for grazing, and application site does not fit into any of the formal or informal categories of open space defined in the Core Strategy.

Policy CS72 relating to countryside situated on the edge of built-up areas goes beyond the requirements of the NPPF and can only carry limited weight, but in any case the proposal does not conflict with it because the application site is contained by built development on three sides and is not open countryside or land that is situated on the edge of the built-up area.

In relation to biodiversity, the updated Preliminary Ecological Appraisal Report

confirmed that the site comprises largely of poor semi-improved grassland and found no evidence of protected species. The additional Nocturnal Bat Surveys found no bat roosts on site. While the second reason for refusal refers to the site as being of high biodiversity value, this is not evidenced by the ecology consultants assessment of the site.

On the Green Network and biodiversity, the proposal includes an indicative layout plan that shows the retention of greenspace around the south and east of the site, and an enhanced 'buffer zone' to the adjacent Fox Glen LWS. The application also includes additional green corridors over and above that previously submitted by the applicant as part of their initial submission. The edge of the built development would include a 15m buffer from the edge of the LWS, which would accord with the Natural England Standing Advice.

As evidenced within the highway section of the report, it is considered that the proposal would not result in unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe.

The recent appeal decision at Hollin Busk, which was allowed in August 2021, under planning reference No. 17/04673/OUT (Appeal reference No. APP/J4423/W/21/3267168) is also material to the assessment of this planning application. The weight given to it is limited due to the different site circumstances, however both cases relate to the development of housing on agricultural fields (designated as open space) as well as having direct effects on a heritage asset. In allowing the appeal, the planning inspector considered that the proposal would only have a moderately adverse effect upon the landscape character and appearance of the area. He also concluded that, with regards to effects on an adjacent heritage asset, in this instance a Grade II listed farmhouse and associated barns and outbuildings (para 83 to 105 of the appeal decision), the development would inevitably result in the loss of the contribution that the agricultural fields make to the significance of the heritage assets, but the architectural or historic interest in the buildings will not be necessarily reduced, and any harm to the setting of the heritage assets would be less than substantial.

Members should also be mindful of the recent decision of the Council (February 2022) to select Option 3 as part of its overall spatial options for meeting future development needs in Sheffield through the emerging Sheffield (Local) Plan. Members will be aware that Option 3 supports the provision of new housing on UDP allocated Housing Policy Areas and on underused open spaces as the preferred spatial option in the period up to 2039. The application site is part located within a Housing Area and part within an Open Space Area, adding weight to its release for housing as proposed, particularly as the functional requirement of this designated open space, as set out in the NPPF definition of open space, is not met.

Though finely balanced, it is considered that the balance is in favour of granting this application for outline consent, with all matters reserved except for access. Whilst acknowledging the previous reasons for refusal and the high number of objections received against the application, it is considered that the identified harm resulting from the development would not significantly or demonstrably outweigh

the benefits of the development. The provision of up to 41 dwellinghouses will make a positive contribution in meeting the current shortfall of housing in this sustainable location, to which significant weight should be given in line with paragraph 11 of the NPPF.

HEAD OF TERMS

The applicant will enter into an agreement with the Council to secure the delivery of affordable housing equivalent to 10% of gross floor space of total number of units.

RECOMMENDATION

It is recommended that outline planning permission is granted conditionally and subject to a legal agreement to secure the delivery of on-site affordable housing.

Case Number	20/03766/OUT (Formerly PP-08981731)
Application Type	Outline Planning Application
Proposal	<p>Outline application (all matters reserved) for the extension and/or demolition (in part or full) of existing buildings, demolition of car parking, and the provision of new built development for indoor recreation and leisure, retail, catering, offices, light industrial, creche (Use Class E), drinking establishments, hot food takeaway, cinema, police station and car showroom (Sui Generis), non-residential institution (Use Class F1), along with pedestrian and vehicular highways works, car parking (including multi-storey car park), servicing, landscaping, public realm and associated works. Permission is sought for the following description of development:</p> <p>Full application for the change of use of The Source from (former) Use Class D1 and D2 to indoor recreation and leisure, catering, offices, creche (Use Class E), drinking establishments, hot food takeaway (Sui Generis), and/ or non-residential institution (Use Class F1)</p> <p>RE-consultation: Revised proposals and further environmental information received 18 July 2022</p>
Location	<p>Land At And Adjacent Meadowhall Centre Meadowhall Way, Sheffield Road And Vulcan Road, M1 Distribution Centre, Vulcan Road And The Source, 300 Meadowhall Way, Sheffield S9 1EQ</p>
Date Received	26/10/2020
Team	City Centre and Major Projects
Applicant/Agent	Quod (Leeds)
Recommendation	GC Subject to Legal Agmt Sec of State

Time Limit for Commencement of Development

1. The development granted full change of use planning permission (Plot Source - as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) 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.

2. The development granted outline planning permission (Plot 5, Plot Cinema and Plot TLH - as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

3. Application for approval in respect of any matter reserved by this permission must be made not later than the expiration of 8 years from the date of this decision.

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

4. In respect of each part of the development to be the subject of a separate reserved matters approval, that phase or part of a phase of the development as hereby permitted shall not commence until layouts, plans / sections and elevations for that part of the development illustrating:

- (i) layout;
- (ii) scale;
- (iii) appearance;
- (iv) access; and,
- (v) landscaping.

have been submitted to and approved by the Local Planning Authority.

The part of the development that is the subject of the reserved matters application shall in all respects be carried out in accordance with the approved layouts, plans/sections and elevations.

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

5. Subject to satisfying conditions 13 and 16, the following actions may take place prior to the submission of applications for reserved matters approvals:

Demolition;
Archaeological investigations;
Ground conditions investigations;
Intrusive site surveys and other enabling works;
Site clearance, soil storage and remedial work in respect of any

contamination or other adverse ground conditions;
Diversion and laying of services;
Erection of any temporary means of enclosure;
The temporary display of site notices or advertisements;
Erection of construction accommodation; and
Construction of temporary access and service roads.

Reason: In order to define the permission.

Approved/Refused Plan(s)

6. The development must be carried out in complete compliance with the following approved Parameters Plans:
- i) Site Layout Plan and Application Boundary - As Existing ref. TLH-BDP-00-00-DR-A-000001 K;
 - ii) Site Layout Plan with Levels - As Existing ref. TLH-BDP-00-00-DR-A-000002 D;
 - iii) Application Plan Site Layout Plan Buildings Demolition & Retention ref. TLH-BDP-00-00-DR-A-000003 G;
 - iv) Parameter Plan Development Plots and Maximum building Footprint ref. TLH-BDP-00-00-DR-A-000004 H;
 - v) Parameter Plan Maximum Building Height ref. TLH-BDP-00-00-DR-A-000006 D;
 - vi) Parameter Plan Development Plots Access ref. TLH-BDP-00-00-DR-A-000007 F.

Reason: In order to ensure that the environmental impact of the development is consistent with that assessed as part of the application and in order to define the permission.

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

7. No development shall begin until a Development Phasing Plan has been submitted to and approved by the Local Planning Authority. The Development Phasing Plan shall confirm the sequencing of the development hereby approved in respect of the change of use of Plot Source and the development of Plot TLH, Plot Cinema and Plot 5 (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) or any part thereof. The development shall thereafter only be carried out in accordance with the approved Development Phasing Plan, or any alternative revised Development Phasing Plan submitted and approved under this condition.

Reason: A pre-commencement condition is required to ensure that the development phasing is acceptable and for Community Infrastructure Levy (CIL) purposes.

8. No development shall begin until an updated Traffic Model (TM) and Traffic Model Report (TMR) for the development has been submitted to and

approved by the Local Planning Authority. The TMR shall include:

- i. An assessment of the anticipated traffic impacts of the development as a whole, on the operation of the highway network (based upon the approved TM);
- ii. An assessment of whether the anticipated traffic impacts of the development as a whole will reach a level sufficient to require the Strategic Road Network (SRN) Mitigation Works [as defined by directive 10] and/ or the Local Highway Network (LHN) Mitigation Works [as defined by directive 11] (or part of those works);
- iii. (Where relevant) An assessment of the number of trips through each relevant junction [as defined by directive 12] generated by the development hereby permitted which would trigger the need for the SRN Mitigation Works and/ or the LHN Mitigation Works (or part of those works) (the 'Trip Thresholds').

Reason: A pre-commencement condition is required to in order to ensure that the ability of the strategic and local highway network to accommodate the traffic generated by the development is fully understood before development commences and in the interests of traffic safety and protecting the free and safe flow of traffic on the public highway.

9. No development within any part or phase of development shall begin until a Transport Statement covering that part or phase of development has been submitted to and approved by the Local Planning Authority. Each Transport Statement shall include:

- i) An assessment of the projected number of trips it is anticipated will be generated by the part or phase of development covered by the Transport Statement;
- ii) An assessment of whether the number of trips generated by the part or phase of development covered by the Transport Statement, together with the number of trips it is anticipated will be generated by any previous parts or phases of development which have already received reserved matters approval, will cumulatively exceed any of the Trip Thresholds, and;
- iii) (Where any Trip Threshold is exceeded) Full details of the SRN Mitigation Works and/ or LHN Mitigation Works which will be delivered as part of the relevant part or phase of development.

Where an approved Transport Statement specifies the delivery of any SRN Mitigation Works and/ or LHN Mitigation Works, or any part of those works, for a part or phase of development, no part of that part or phase of development shall be brought into first use or occupation until the SRN Mitigation Works and/ or LHN Mitigation Works specified in the approved Transport Statement have been fully completed, unless an alternative implementation programme is specific within the approved Transport Statement in which case the approved SRN Mitigation Works and/ or LHN Mitigation Works shall be delivered in accordance with that approved implementation programme.

Reason: A pre-commencement condition is required in order to ensure the strategic and local highway network can accommodate the traffic generated by the development and in the interests of traffic safety and protecting the free and safe flow of traffic on the public highway.

10. No development shall begin within Plot 5 (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) until an off-site biodiversity enhancement scheme (OBES) has been submitted to and approved by the Local Planning Authority. The OBES shall provide for the delivery of biodiversity enhancement works on the Aisling Road compensation area, as identified on 'Figure 9.4: Illustrative Biodiversity Net Gain Plan'. The OBES shall also include a Landscape and Environmental Management Plan (LEMP) including the following elements as appropriate:
 1. A management scheme for the OBES area for a period of not less than 30 years;
 2. Details of maintenance regimes;
 3. Details of management responsibilities.

The OBES works shall be completed before any part of the development within Plot 5 (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) hereby approved is brought into first use or occupation, or any alternative implementation programme set out in the approved OBES.

Reason: A pre-commencement condition is required to ensure the protection of wildlife and supporting habitat and to preserve the functionality of the Lower Don Catchment. Also, to secure opportunities for enhancing the site's nature conservation value in line with the National Planning Policy Framework and Sheffield Core Strategy policies CS63 and CS73.

11. No development within any part or phase of development shall begin until a bird box scheme (BBS) covering that part or phase of development has been submitted to and approved by the Local Planning Authority. The BBS shall provide for the installation of nest boxes for both kestrel (1 box) and house sparrow (10 boxes) in suitable locations around the site. The BBS works shall be completed before any part of the part or phase of development covered by the BBS is brought into first use or occupation, or any alternative implementation programme set out in the approved BBS.

Reason: A pre-commencement condition is required to ensure the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value in line with the National Planning Policy Framework and Sheffield Core Strategy policies CS63 and CS73.

12. No development within any part or phase of development shall begin until a Construction Logistics Plan (CLP) covering that part or phase of development has been submitted to and approved by the Local Planning Authority. Thereafter the approved CLP shall be implemented as part of the relevant part or phase of development.

Reason: A pre-commencement condition is required in the interests of minimising congestion on the highway and in the interests of traffic safety during the construction phase of development.

13. No vegetation clearance or development within any part or phase of development shall begin until a Construction Environmental Management Plan (CEMP) covering that part or phase of development, which shall be substantially in accordance with the approved outline Construction Environmental Management Plan, Rev. AA, dated September 2020, has been submitted to and approved by the Local Planning Authority. In addition to setting out construction site management measures intended to minimise environmental impacts on all relevant human and environmental receptors, the CEMP shall include details of the following:

- A risk assessment of the potentially damaging construction activities in relation to wildlife and habitat;
- An invasive non-native plant mitigation plan;
- A method statement for the protection of flora and fauna that may be affected by the development;
- Identification of Biodiversity Protection Zones and measures for their protection;
- Measures to protect the Lower River Don Local Wildlife Site and the Don Valley Disused Railway LNS).

Thereafter the approved CEMP, including method statement and protection measures, shall be implemented as part of the relevant phase of development.

Reason: A pre-commencement condition is required in order to minimise the impact of the construction phase of development upon the local community, neighbouring occupiers and relevant ecological receptors in accordance with the National Planning Policy Framework

14. No development within any part or phase of development shall begin until full details of the proposed surface water drainage design for that part or phase of development have been submitted to and approved by the Local Planning Authority. The submitted details shall include

- i. Calculations and appropriate model results;
- ii. The provision of sustainable drainage methods (whereby both the quantity and quality of surface water are managed);
- iii. Pollution control measures, including the treatment of surface water run-off from hardstanding areas to remove oil and grit;
- iv. Arrangements for the management of the surface water infrastructure for the lifetime for the relevant part or phase of the development.

The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase of development shall be brought into first use or occupation until the drainage works approved for that part or phase of development 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.

15. No development within any part or phase of development shall begin until a scheme of measures to protect the public sewerage and public water supply infrastructure that is laid within the relevant part or phase of development has been submitted to and approved by the Local Planning Authority. The submitted details shall include but not be exclusive to:

- a) appropriate stand off distances between the centre line of a sewer or water main and any structures and or landscape features (no trees shall be planted within 5 meters of the centre line of any sewer or water main);
- b) details of any changes to ground levels within the aforementioned protective strips around water and waste water infrastructure;
- c) details of protection measures to be implemented during demolition works and subsequent construction of the development; and
- d) the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker is retained at all times.

If the required protection measures and /or stand-off distances are to be achieved via diversion or closure of a sewer and /or water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Thereafter the relevant part or phase of development shall be carried out only in full accordance with the approved scheme of measures to protect the public sewerage and public water supply infrastructure for that part or phase of development.

Reason: A pre-commencement condition is required in the interest of public health and maintaining the public water supply.

16. Unless an alternative scheme has been approved by the Local Planning Authority for the relevant phase, no intrusive enabling works (as defined below and allowed by condition number 5) shall be undertaken until the applicant, or its agents or successors in title, has secured the implementation of an appropriate scheme of archaeological work for those areas where intrusive enabling work are being undertaken. The archaeological work shall be carried out in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. The approved written scheme of investigation shall be implemented as part of the relevant intrusive enabling works.

Intrusive enabling works is defined as ground condition investigations and

intrusive site surveys, ground works, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services.

Reason: A pre-commencement condition is required to ensure that any archaeological remains present, whether standing or buried, are preserved by being recorded and removed in accordance with an agreed method, before they are damaged or destroyed in accordance with the revised National Planning Policy Framework.

17. Unless an alternative scheme has been approved by the Local Planning Authority, no development within any part or phase of development shall begin until the applicant, or its agents or successors in title, has secured the implementation of a programme of archaeological work. The archaeological work shall be carried out in accordance with a written scheme of investigation (WSI) (which shall follow the Outline Written Scheme of Investigation for Archaeological Evaluation Document Ref: 112212.03 February 2021) covering that part or phase of development. The approved WSI shall be implemented as part of the relevant part or phase of development.

Reason: A pre-commencement condition is required to ensure that any archaeological remains present, whether standing or buried, are preserved - either by being left in situ or by being recorded and removed in accordance with an agreed method before they are damaged or destroyed, in accordance with the National Planning Policy Framework.

18. No development within any part or phase of development shall begin until a report has been submitted to and approved by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of that part or phase of 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. The report shall include provision for the use of Photo-voltaic panels to generate energy, unless the use of photo-voltaic panels is not feasible for that part or phase of the development, and evidence that either the development will be connected to the Blackburn Meadows District Heating System or that such a connection is not feasible. No part of the relevant part or phase of development shall be brought into first use or occupation until any approved renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, have been installed/incorporated, and a report demonstrating that the approved measures have been installed/incorporated has been submitted to and approved in writing by the Local Planning Authority. 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.

19. No development within any part or phase of development shall begin until sub-conditions (1) to (3) have been complied with for that part or phase of the development.

1. Site Characterisation

Supplementary intrusive investigations as recommended in report: Synopsis Report Presenting Ground Conditions Assessment. Stantec. September 2020. Doc Ref: 57826/3501/CBH/GEO RPT 02 (Synopsis) - Rev 02, shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with the Land contamination risk management (LCRM) published by the Environment Agency.

2. Submission of Remediation Scheme

Any remediation works recommended in the approved Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved by the Local Planning Authority prior to the development commencing. The Report shall be prepared in accordance with the Land contamination risk management (LCRM) published by the Environment Agency and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

3. Implementation of Approved Remediation Scheme

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 in that location and the Local Planning Authority and Environmental Protection Service (EPS) (tel: 0114 273 4651) should be contacted within 48 hours. Revisions to the Remediation Strategy, if deemed necessary and requested by the LPA/ EPS, shall be submitted to and approved by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: A pre-commencement condition is required in the interests of protecting the health and safety of adjoining occupiers and future occupiers of the site and preventing contamination of controlled waters.

20. No development within any part or phase of development shall begin until a biodiversity enhancement scheme (BES) for that part or phase of development has been submitted to and approved by the Local Planning

Authority. The BES shall include:

- i) a scheme of biodiversity mitigation and enhancement measures relevant to that part or phase of development and in accordance with paragraphs 9.5.36 to 9.5.47 of the Biodiversity chapter of the Environmental Statement.
- ii) an outline of how 10% measurable Biodiversity Net Gain (10% BNG) would be delivered by the development (including on-site, off-site within the Applicant's control, off-site outside the applicant's control or a financial payment to a provide for off-site biodiversity enhancement);
- iii) details of how 10% BNG would be delivered by that part of phase of development, or as part of the wider development (supported by a biodiversity net gain metric assessment);
- iv) a Landscape and Environmental Management Plan (LEMP) including the following elements as appropriate:

- 1. A management scheme for the BNG compensation areas for a period of 30 years.
- 2. Details of maintenance regimes
- 3. Details of any new habitat created on-site
- 4. Details of treatment of site boundaries and/or buffers around water bodies
- 5. Details of management responsibilities

Thereafter the relevant part or phase of development shall be carried out in accordance with the approved details. All landscape and ecological features included within the approved scheme shall be implemented in full prior to the first use or occupation of the relevant part or phase of development (or any alternative implementation programme included within the approved BES) and shall be retained and maintained for a minimum of 30 years following their creation.

Reason: A pre-commencement condition is required to ensure the protection of wildlife and supporting habitat and to preserve the functionality of the Lower Don Catchment. Also, to secure opportunities for enhancing the site's nature conservation value in line with the National Planning Policy Framework and Sheffield Core Strategy policies CS63 and CS73.

21. No development within any part or phase of development shall begin until a scheme for the provision of green/biodiverse roofs (GBR) for any buildings comprised within that part or phase of development has been submitted to and approved by the Local Planning Authority (unless it is agreed by the Local Planning Authority that it is not appropriate to provide green roofs on that part or phase of the development).

The GBR scheme shall identify the location, type and extent of the green/biodiverse roofs and shall include specifications and a maintenance regime. Unless alternative details are approved the green roofs shall include a substrate growing medium of 80mm minimum depth incorporating 5-20% organic material.

Thereafter the relevant part or phase of development shall be carried out in

accordance with the approved details. All green/biodiverse roofs included within the approved scheme shall be implemented in full prior to the first use or occupation of the relevant part or phase of development (or any alternative implementation programme included within the approved GBR scheme). The green/biodiverse roof plant sward shall be maintained for a period of not less than 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: A pre-commencement condition is required to secure opportunities for enhancing the site's nature conservation value and biodiversity in line with the National Planning Policy Framework and Sheffield Core Strategy policies CS63 and CS73.

22. No development within any part or phase of development shall begin until a lighting scheme for that part or phase of development has been submitted to and approved by the Local Planning Authority. The lighting scheme shall provide full details of the external lighting to be provided within the relevant part or phase of development and evidence that the lighting proposals will neither cause light pollution, driver distraction or light spill onto the River Don and Disused railway embankment Local Wildlife Sites. The lighting scheme shall conform with ILP (2018) Guidance Note 08/18 Bats and artificial lighting in the UK; Institution of Lighting Professionals /Bat Conservation Trust and The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light'. Thereafter the development of the relevant part or phase of development shall be carried out in accordance with the approved details.

Reason: A pre-commencement condition is required in the interests of ensuring good lighting design and ensuring that any external lighting provided does not cause light pollution, driver distraction or harm to fauna.

23. No development within any part or phase of development shall begin until a detailed Employment and Training Implementation Schedule for construction of that part or phase of development has been submitted to and approved by the Local Planning Authority. Thereafter the Implementation Schedule shall be implemented in accordance with the approved details.

Reason: A pre-commencement condition is required in the interests of maximising the economic and social benefits for local communities from the proposed development during the construction phase.

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

24. Applications for approval of Reserved Matters shall be accompanied by an illustrative plan showing:
- (a) how the location and use(s) of the buildings in respect of which;
 - (i) approval already exists;
 - (ii) construction has already begun or has been completed; and

(iii) approval is being sought

are in conformity with the Parameters Plans and Design Code, as approved or as subsequently amended; and

(b) the development plots and quantum (or part thereof) for which buildings have yet to come forward for approval of Reserved Matters.

Reason: In order to ensure that if the development proceeds in phases that each phase is consistent with the framework established by the Parameters Plans and Design Codes in the interest of securing a properly coordinated development.

25. No development within Plot TLH (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) shall begin until an otter holt scheme (OHS) has been submitted to and approved by the Local Planning Authority. The OHS shall provide for the creation of an artificial otter holt in a suitable location along the Rover Don. The works comprised within the OHS shall be completed before any part of the development of Plot TLH (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) is brought into first use or occupation, or in accordance with any alternative implementation programme set out in the approved OHS.

Reason: To ensure the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value in line with the National Planning Policy Framework and Sheffield Core Strategy policies CS63 and CS73.

26. No development within Plot TLH (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) shall begin 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 for the areas to be redeveloped, have been submitted to and approved 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 within Plot TLH (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) 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.

27. No development within any part or phase of development which is located fully or partly within the Development High Risk Area defined by the Coal Authority shall begin until further intrusive site investigations have been undertaken to establish the exact coal mining legacy issues within that part or phase of development and a report explaining the findings has been submitted to and approved by the Local Planning Authority. In the event that site investigations confirm the need for remedial works to treat any mining legacy issues, details of the remedial works shall also be submitted to the Local Planning Authority for approval and the works shall thereafter be carried out in accordance with the approved details before development commences within the relevant part or phase of development.

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

28. Other than the change of use of Plot Source (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H), no above ground works within any part or phase of development shall begin until full details of proposals for the inclusion of public art within that part or phase of the development have been submitted to and approved in writing by the Local Planning Authority. No part of the relevant part or phase of development shall be brought into first use or occupation until the approved public art provisions for that part or phase of development have been installed/incorporated. Thereafter the approved public art provisions shall be retained and maintained for the lifetime of the development.

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

29. No part or phase of development shall be brought into first use or occupation until an End User Implementation Plan (EUIP) and Inclusive Employment and Development Plan (IEDP) has been submitted to and approved by the Local Planning Authority. The EUIP shall include measures to encourage occupiers to consider undertaking the following:

- a) Advertising employment vacancies locally through a range of sources including, but not limited to: local press, recruitment support services, relevant local employment partners and stakeholders
- b) Where applicable, work in partnership with the Local Authority, Jobcentre Plus and other local partners to support employability initiatives such as job fairs and Sector Based Work Academies to enable local people to apply for job vacancies which may arise from the new occupiers.

The IEDP shall be designed to maximise opportunities for both immediate and on-going employment from the operational phase of development and shall include detailed implementation arrangements, with provision to review and report back on progress achieved, via Talent Sheffield, to the Local

Planning Authority. The approved detailed EUIP and IEDP shall thereafter be implemented and the relevant part or phase of development shall be operated and occupied in accordance with the measures and objectives set out in the approved EUIP and IEDP, subject to any variations approved by the Local Planning Authority.

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

30. No part or phase of development shall be brought into first use or occupation until a Delivery and Servicing Plan (DSP) covering that part or phase of development has been submitted to and approved by the Local Planning Authority. Thereafter the approved DSP shall be implemented as part of the relevant part or phase of development.

Reason: In the interests of minimising congestion on the highway and in the interests of traffic safety.

31. No part or phase of development shall be brought into first use or occupation until a scheme of real time Public Transport Information Signage (PTIS) within the site and buildings comprised within that part or phase of development has been submitted to and approved by the Local Planning Authority. The works comprised within the approved PTIS scheme shall be completed before any part of the relevant part or phase of development is brought into first use or occupation, or in accordance with any alternative implementation programme set out within the approved PTIS scheme.

Reason: To ensure that visitors are provided with information on public transport arrivals and departures, to promote modal change, in the interests of sustainability, climate change and air quality mitigation.

32. No part or phase of development shall be brought into first use or occupation until a Cycle Parking (CP) scheme covering that part or phase of development has been submitted to and approved by the Local Planning Authority. The scheme shall include provision for both secure short stay and secure, covered, long stay cycle storage facilities in accordance with Sheffield City Council standards for the relevant part or phase of development together with associated showering, changing and locker facilities. The works comprised within the approved CP scheme shall be completed before any part of the relevant part or phase of development is brought into first use or occupation, or in accordance with any alternative implementation programme set out within the approved CP scheme and shall thereafter be maintained and retained whilst ever the development subsists.

Reason: To ensure that visitors and staff are provided with secure, convenient and good quality cycle parking, to promote modal change, in the interests of sustainability, climate change and air quality mitigation.

33. No part of Plot TLH (as identified on drawing ref. TLH-BDP-00-00-DR-A-

000004 H) shall be brought into first use or occupation until a scheme of cycle and pedestrian improvements (TLHC&P) has been submitted to and approved by the Local Planning Authority. The scheme shall provide for improved walking and cycling facilities on Meadowhall Way, with enhanced crossing facilities, cycle routes, signage and markings, and simplified pedestrian signalised crossings and improved pedestrian facilities between the site and Meadowhall South-Tinsley tram stop, as broadly illustrated on drawing ref. 5001-005 P01. The works comprised within the approved TLHC&P scheme shall be completed before any part of Plot TLH (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) is brought into first use or occupation, or in accordance with any alternative implementation programme set out within the approved TLHC&P scheme.

Reason: To ensure that the site is appropriately accessible by foot and bicycle and to promote modal change, in the interests of sustainability, climate change and air quality mitigation.

34. No part of Plot 5 (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) shall be brought into first use or occupation until a scheme of cycle and pedestrian improvements (P5C&P) has been submitted to and approved by the Local Planning Authority. The scheme shall provide for improved cycling facilities on Sheffield Road adjacent to Plot 5 to the north and south of the plot to join with Meadowhall Way with enhanced crossing facilities, cycle routes, signage and markings, as broadly illustrated on the drawing ref. 5001-004 P01. The works comprised within the approved P5C&P scheme shall be completed before any part of Plot 5 (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) is brought into first use or occupation, or in accordance with any alternative implementation programme set out within the approved P5C&P scheme.

Reason: To ensure that the site is appropriately accessible by foot and bicycle and to promote modal change, in the interests of sustainability, climate change and air quality mitigation.

35. No part of Plot TLH (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) shall be brought into first use or occupation until a scheme of parking control mitigation measures (PC) has been submitted to and approved by the Local Planning Authority. The scheme shall provide for an appropriate and effective external Variable Message Signage (VMS) scheme on the local highway network including Meadowhall Way, Vulcan Road, Meadowhall Road and Sheffield Road in order to improve the efficiency of vehicle movement around the site. The works comprised within the approved PC scheme shall be completed before any part of Plot TLH (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) is brought into first use or occupation, or in accordance with any alternative implementation programme set out within the approved PC scheme.

Reason: To ensure that the site car parking is managed efficiently, in the interests of sustainability, climate change and air quality mitigation.

36. No part or phase of development shall be brought into first use or occupation until a detailed Travel Plan covering that part or phase of development has been submitted to and approved by the Local Planning Authority. The Detailed Travel Plan shall be developed in accordance with the previously approved Framework Travel Plan dated February 2021 and designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site's accessibility; and facilitate and encourage alternative travel modes.

The detailed Travel Plan(s) shall include: (i) Clear and unambiguous objectives and modal split targets; (ii) An implementation programme and monitoring schedule, with arrangements to review and report back on progress being achieved to the Local Planning Authority for written approval of actions consequently proposed; (iii) Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the local planning authority; (iv) Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

The approved detailed Travel Plan shall thereafter be implemented and the relevant part or phase of development shall be operated and occupied in accordance with the measures and objectives set out in the approved detailed Travel Plan, subject to any variations approved by the Local Planning Authority.

Reason: To ensure that the development facilitates modal change and the use of low emissions vehicles, in the interests of sustainability, climate change and air quality mitigation.

37. As part of each reserved matters application seeking approval for access, the details and location of the parking spaces to be equipped with active Electric Vehicle Charging Points (EVCP) must be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i) Location of active charge points;
- ii) The location of passive charging point infrastructure;
- iii) Specification of charging equipment
- iv) An operation/management strategy, including details of: (a) Which parking bays will have active charging provision, including disabled parking bays; (b) How charging point usage will be charged amongst users and non-users; (c) The process users can go through to activate passive charging points; (d) Electricity supply availability.

The approved EVPCs shall be installed and commissioned before any part of the relevant part or phase of development is brought into first use or occupation and shall thereafter be maintained and retained whilst ever the development subsists.

Reason: To ensure that the development facilitates the use of low emissions vehicles, in the interests of sustainability, climate change and air quality

mitigation.

38. As part of each reserved matters application seeking approval for access, a detailed Car Park Management Plan shall be submitted for the approval of the Local Planning Authority. Thereafter the relevant part or phase of development shall be carried out in accordance with the approved detailed car park management plan.

Reason: In the interests of traffic and pedestrian safety and the amenities of adjoining occupiers.

39. As part of each reserved matters application seeking approval for access, a detailed dilapidation survey of all the highways abutting or passing through the part or phase of development covered by the reserved matters application, along with any relevant structural surveys, shall be submitted for the approval of the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority prior to any relevant part or phase of development being brought into first use or occupation.

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

40. As part of each reserved matters application seeking approval for layout and/ or landscaping in relation to Plot Cinema (as defined by drawing ref. TLH-BDP-00-00-DR-A-000004 H) a scheme to reconfigure and upgrade the public space beneath the extension and between the extension and the adjoining River Don shall be submitted for the approval of the Local Planning Authority. The works comprised within the approved scheme shall be completed before any part of Plot Cinema (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) is brought into first use or occupation, or in accordance with any alternative approved implementation programme.

Reason: In the interests ensuring the cinema extension is well integrated with the riverside public realm and in the interests of the amenities of the locality.

41. Upon completion of any measures identified in the approved Remediation Strategy and Coal Mining Remediation Strategy, or any approved revised Remediation or Coal Mining Strategy, a Validation Report shall be submitted to the Local Planning Authority. No part or phase of development which has been identified as requiring remediation shall be brought into first use or occupation until the Validation Report for that part or phase of development has been submitted to and approved by the Local Planning Authority. The Validation Report shall be prepared in accordance with Land contamination risk management (LCRM) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land and coal mining risks are properly dealt with.

42. New buildings shall be constructed to achieve a minimum rating of BREEAM 'very good'. Before each building is brought into first use or occupation (or within an alternative approved timescale) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved by the Local Planning Authority.

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

Other Compliance Conditions

43. There shall be no development within the no build zone for the potential innovation corridor road link on Plot 5 as identified on plan reference TLH-BDP-00-00-DR-A-000004 Rev H before 23.07.2023 unless the Council has provided formal notification that they are not to take forward a scheme for the construction of an innovation corridor road link affecting the road alignment shown on the above plan.

Reason: In the interests of protecting the line of a future road improvement which is necessary to support The Sheffield City Region Global Innovation Corridor which is central to delivering transformational economic growth within the City Region and delivering an integrated transport strategy.

44. Any development within the Orange Car Park will maintain the exiting access points, unless otherwise agreed with the Local Planning Authority.

Reason: In order to ensure that any potential increase in parking provided with this part of TLH plot can be adequately accommodated on the highway network.

45. In total there shall be no more than 7,101 car parking spaces within the application boundary up until 01/01/2030. After 01/01/2030 there shall be no more than 6,837 car parking spaces within the application boundary.

Reason: In order to define the permission, limit the highway impact to that assessed within the application and the give priority to sustainable travel to the site in accordance with the National Planning Policy Framework.

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

Reason: In the interest of satisfactory and sustainable drainage.

47. No 'more vulnerable uses' (as defined by NPPF Annex 3: Flood risk vulnerability classification) shall be located at ground floor level within Flood Zone 3 (as defined by the Flood Map published by the Environment Agency).

Reason: In the interest of protecting the safety of vulnerable occupiers and in accordance with policy CS67(m).

48. Surface water discharge from the completed development of Plot 5 (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) shall be restricted to a maximum flow rate of 10.5 litres per second to the discharge chamber serving the adjacent Next and Costa development. Where it is not feasible for the surface water from the Landmark area (as defined in Figure 23: Plot 5- Principles of the Design Code) to discharge to the above chamber then a direct controlled discharge will be made to the nearby watercourse with the rates of discharge from the two points adjusted accordingly to not exceed a combined total of 10.5 litres per second.

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

49. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2022, by Stantec, and the following mitigation measures:
- (a) Preferential flow paths for overland flows shall be maintained and directed away from buildings and critical infrastructure on the site.
 - (b) Building plant and utility services shall be raised as high as practicable above ground level.
 - (c) The existing access width for the River Don shall be maintained.

The mitigation measures shall be fully implemented prior to occupation of the relevant reserved matters application and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

50. The development as a whole shall deliver a minimum of 10% Biodiversity Net Gain enhancement.

Reason: In the interests of enhancing the biodiversity value of the site and in accordance with the National Planning Policy Framework.

51. Subject to the additional restrictions set out in the other planning conditions attached to this Decision Notice, no part of the development hereby approved shall be used for any purpose other than the uses and use classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) listed below (or any equivalent Use Class within any subsequent legislation which replaces that Order in part or in full):

- i) Use Class E(a): shop
- ii) Use Class E(b): Food and drink which is mostly consumed on the premises

- iii) Use Class E(d): Indoor sport and recreation
- iv) Use Class E(f): Non-residential creche, day centre or nursery
- v) Use Class E(g)(i): Offices
- vi) Use Class F1: Learning and non-residential institutions
- vii) Sui Generis: Public house, wine bar, or drinking establishment, drinking establishment with expanded food provision, hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises, cinema, police station, car showroom

Reason: In order to define the planning permission, protect the vitality and viability of existing centres and prevent uses which would be inappropriate in this location/ setting.

52. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any replacement thereof) the cumulative total maximum quantum of Gross Internal Area to be brought into use and to be occupied by the individual uses hereby approved shall not exceed the Proposed TMM Floorspace (GIA), Total Use Class Floorspace and Total Floorspace specified in Table 3.2 of the 'Development Specification Update The Meadowhall Masterplan, JULY 2022, Q100668' (hereafter referred to as the Development Specification).

Reason: In order to ensure the town centre and highway impacts do not exceed those considered as part of the application in order to define the permission and in the interests of the protecting the vitality and viability of existing centres and in the interests of highway safety and the amenities of the locality.

53. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any replacement thereof) the cumulative total maximum quantum of Gross Internal Area to be brought into use and to be occupied by the individual uses hereby approved within each individual plot (as defined by drawing ref. TLH-BDP-00-00-DR-A-000004 H) shall not exceed the maximums for each plot shown on Figure 3.1 and within Table 3.3 of the Development Specification.

Reason: In order to ensure the town centre and highway impacts do not exceed those considered as part of the application in order to define the permission and in the interests of the protecting the vitality and viability of existing centres and in the interests of highway safety and the amenities of the locality.

54. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any replacement thereof) the cumulative total maximum net sales area for comparison goods to be brought into use as part of the development hereby approved within Plot TLH and Plot 5 (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) shall not exceed the maximums set out within tables 4a and 4b of Appendix 4A and tables 4a and 4b of Appendix 4B of the submitted Proposals Update: Planning Report The Meadowhall Masterplan, Sheffield JULY 2022.

Reason: In order to ensure the town centre and highway impacts do not exceed those considered as part of the application in order to define the permission and in the interests of the protecting the vitality and viability of existing centres and in the interests of highway safety and the amenities of the locality.

55. Within Plot TLH (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) not more than 8 (eight) individual units shall be used for any purpose falling within Use Class E(d) (indoor sport and recreation) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent Use Class within any subsequent legislation which replaces that Order in part or in full) and no individual unit shall exceed 6,938sqm in Gross Internal Area.

Reason: In order to ensure the town centre and highway impacts do not exceed those considered as part of the application in order to define the permission and in the interests of the protecting the vitality and viability of existing centres and in the interests of highway safety and the amenities of the locality.

56. Not more than a cumulative maximum total of 10,363sqm Gross Internal Area (GIA) of floorspace within the land area covered by both the planning application boundary and the M1 Distribution Centre (M1DC) (the whole of the land area included within the red shaded area shown on drawing ref. TLH-BDP-00-00-DR-A-000001 D) shall be used for any purpose falling within Use Class E(d) (indoor sport and recreation) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent Use Class within any subsequent legislation which replaces that Order in part or in full).

Reason: In order to ensure the town centre and highway impacts do not exceed those considered as part of the application in order to define the permission and in the interests of the protecting the vitality and viability of existing centres and in the interests of highway safety and the amenities of the locality.

57. None of the floorspace hereby approved shall be occupied by any Use Class E(a) retailer who, at the date of such occupation, or within a period of 24 months immediately prior to occupation, occupies retail floorspace in their own unit in Sheffield City Centre (as defined in the City Centre Inset Diagram from the Key Diagram of the Core Strategy) unless a scheme which includes a legally binding obligation on the retailer, committing them to retaining their presence as a retailer within Sheffield City Centre with at least 75% of the level of floorspace, for a minimum period of 5 years following the date of their occupation of retail floorspace within the development, has been submitted to and approved by the Local Planning Authority.

Reason: In order to minimise the impact of the proposal on the vitality and

viability of Sheffield City Centre.

58. No part of the development hereby approved within Plot TLH (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) shall be used for any purpose falling within Use Class E(a) (shop) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent Use Class within any subsequent legislation which replaces that Order in part or in full) unless that Use Class E(a) use is ancillary to an overarching leisure use and is provided for the purposes of linking the leisure uses with the existing shopping centre.

Reason: In order to ensure it is well integrated with the shopping centre and in order to define the permission - as free standing retail development within plot TLH has not been assessed against under the sequential test as required by the National Planning Policy Framework.

59. With the exception of retail sales ancillary to the main range of goods permitted, none of the retail units hereby approved within Plot 5 (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) shall sell any of the following types of goods:

- a) Clothing;
- b) Footwear;
- c) Jewellery (including watches);
- d) Toys;
- e) Cosmetics.
- f) Chemist and medical goods.
- g) Audio visual equipment (including mobile phones and tablets).
- h) Books and magazines.
- i) All other personal and luxury goods.

Reason: In the interests of the protecting the vitality and viability of existing town centres in accordance with paragraph 89 of the NPPF.

60. No individual unit within Plot 5 (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) which is to be used for any purpose falling within Use Class E(a) (shop) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent Use Class within any subsequent legislation which replaces that Order in part or in full) shall have a Gross External Area (GEA) which is less than 930sqm, with the exception of an allowance for two retail units which shall have a minimum GEA of not less than 700 sqm.

Reason: In order to ensure the town centre and highway impacts do not exceed those considered as part of the application in order to define the permission and in the interests of the protecting the vitality and viability of existing centres and in the interests of highway safety and the amenities of the locality.

61. Not more than 1 (one) unit within Plot 5 (as identified on drawing ref. TLH-

BDP-00-00-DR-A-000004 H) shall be used primarily for the purpose of the sale of food and the maximum net sales area of any such unit shall not exceed 1,500 sqm.

Reason: In order to ensure the town centre and highway impacts do not exceed those considered as part of the application in order to define the permission and in the interests of the protecting the vitality and viability of existing centres and in the interests of highway safety and the amenities of the locality.

62. Not more than a cumulative maximum total of 900 sqm Gross Internal Area (GIA) of floorspace within the land area covered by Plot 5 (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) shall be used for any purpose falling within Use Class E(b) (sale of food and drink which is mostly consumed on the premises) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent Use Class within any subsequent legislation which replaces that Order in part or in full). This cumulative maximum total shall include any ancillary floorspace used for the sale of food and drink which is mostly consumed on the premises provided as an ancillary part of another primary use.

Reason: In order to ensure the town centre and highway impacts do not exceed those considered as part of the application in order to define the permission and in the interests of the protecting the vitality and viability of existing centres and in the interests of highway safety and the amenities of the locality.

63. A maximum of 14 cinema screens shall be provided within the blue lined area identified on drawing ref. TLH-BDP-00-00-DR-A-000001 K (comprising the total sum of existing screens and proposed screens) and no cinema screens delivered as part of the development hereby approved within Plot Cinema (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) shall be developed at ground floor level.

Reason: In order to limit the impact of the proposal on existing centres and minimise the impact on the riverside park adjoining the shopping centre in the interests of the amenities of the locality.

64. No part of the development hereby approved within Plot Source (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) shall be used for any purpose falling within Use Class E(d) (indoor sport and recreation) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent Use Class within any subsequent legislation which replaces that Order in part or in full) other than a maximum of 550 sqm Gross Internal Area (GIA) of floorspace which may be used for the purposes of health and fitness.

Reason: In order to ensure the town centre and highway impacts do not exceed those considered as part of the application in order to define the permission and in the interests of the protecting the vitality and viability of

existing centres and in the interests of highway safety and the amenities of the locality.

65. Notwithstanding the provisions of Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent Use Class within any subsequent legislation which replaces that Order in part or in full) no part of Plot TLH or Plot Source (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) shall be used as a creche or nursery.

Reason: In accordance with the Site Suitability Assessment set out in Chapter 10 (Air Quality) of the Environmental Statement, in the interests of protecting the health and wellbeing of future occupiers of the site.

66. No part of the development approved within Plot TLH (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) shall be brought into first use/ occupation before 01 November 2029.

Reason: To prevent the development from competing for occupiers with new developments due to complete within the next few years within Sheffield City Centre, in the interests of the protecting the vitality and viability of Sheffield City Centre.

67. No additional floorspace shall be provided through the construction of a mezzanine or additional floor within any unit constructed as part of the development hereby approved on Plot 5 (as identified on drawing ref. TLH-BDP-00-00-DR-A-000004 H) unless otherwise approved by the Local Planning Authority through a reserved matters consent or other form of planning permission.

Reason: To ensure that additional floorspace is not added through internal works which do not require consent following the construction of the development, in the interests of protecting the vitality and viability of other centres.

68. The details (reserved matters) of the development and all applications for approval of the Local Planning Authority required under conditions imposed on this permission shall be in substantial accordance with the design principles set out in 'The Meadowhall Masterplan Hybrid Planning Application Updated Design Code Revision 1' dated July 2022.

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

Attention is Drawn to the Following Directives:

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

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

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

2. Dependent upon the nature of the highway works being undertaken, you may be required to pay a commuted sum to cover the future maintenance of new and/or improved highway infrastructure.

The applicant is advised to liaise with Highways Maintenance Division early on to determine the approximate cost. In the first instance contact should be made with the S278 Officer:

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

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

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

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

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

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

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

The notice should be sent to:-

Highway Co-Ordination

Sheffield City Council
Town Hall
Sheffield
S1 2HH

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

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

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

5. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
6. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

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

If you require any further information please contact:

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

Email: highwayadoptions@sheffield.gov.uk

7. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:
 - Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours

arrangements.

- A communications strategy for principal sensitive parties close to the site.
- Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
- Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
- Vibration.
- Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
- A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

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

8. In order to minimise amenity issues for occupiers of the site from odours or noise it is recommended that for larger commercial kitchens or cooking types where odour and noise risk is higher, equipment should be designed in accordance with the updated guidance document; 'Control of odour and noise from commercial kitchen exhaust systems' (EMAQ; 05/09/2018).
9. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

They also strongly recommend the use of flood resistance and resilience measures. Physical barriers raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>

CIRIA Code of Practice for property flood resilience

https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

British Standard 85500 - Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

The Environment Agency also recommend the applicant Refer to EA published 'Guiding Principles for Land Contamination' which outlines the approach which should be adopted when managing this site's risks to the water environment. It also includes the type of information that we require in order to assess risks to controlled waters from the site.

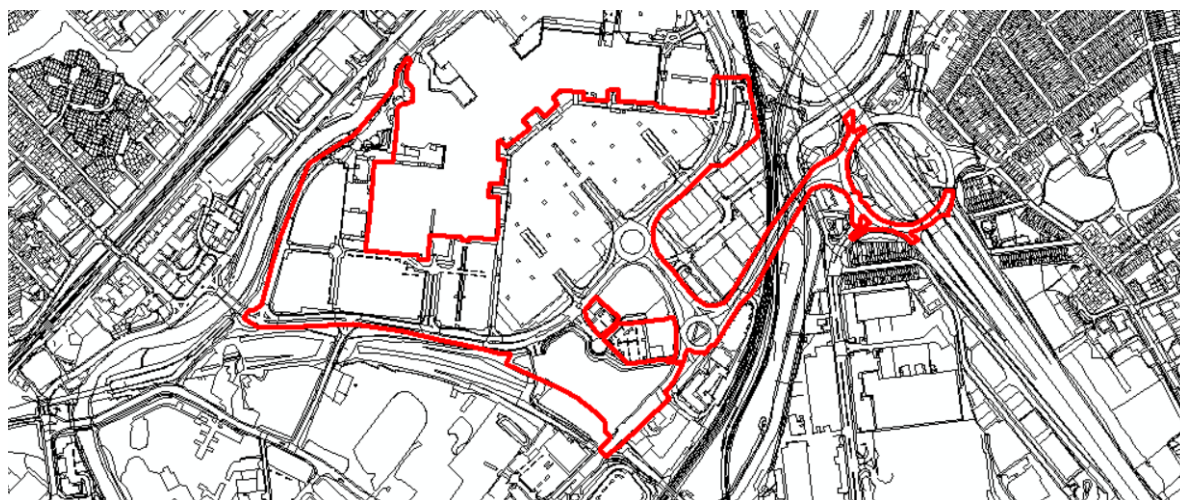
Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed

Refer to the contaminated land pages on gov.uk for more information.

10. For the purposes of interpreting this Decision Notice the term Strategic Road Network (SRN) Mitigation Works means a scheme of works sufficient to mitigate the anticipated traffic impacts of the development upon the strategic road network which shall comprise the works illustrated on the drawings listed below unless otherwise approved by the Local Planning Authority in consultation with National Highways:
 - i) Drawing ref. 332410117/5511/001 - M1 Junction 34 North Improvement Plan;
 - ii) Drawing ref. 33909-5515-019 REV C - M1 Junction 34 North Slip Road Improvements;
 - iii) Drawing ref. 47826/1005/16 - M1 Junction 34 South Improvements Plan.

11. For the purposes of interpreting this Decision Notice the term Local Highway Network (LHN) mitigation works means a scheme of works sufficient to mitigate the anticipated traffic impacts of the development upon the local highway network which shall comprise the works illustrated on the drawings listed below unless otherwise approved by the Local Planning Authority:
 - i) Sheffield Road / Vulcan Road signalised roundabout improvement (Stantec Drawing 47826-1005-14);
 - ii) Widening of Sheffield Road between Vulcan Road and M1 Junction 34 (south) (Stantec Drawing 47826-1005-15);
 - iii) Alsing Road Gyratory - (Stantec Drawing 47826-1005-13).
12. Unless otherwise approved by the Local Planning Authority the Traffic Model Report (TMR) referred to in condition 8 shall include an assessment of traffic impacts upon the following junctions:
 - a. M1 J34 North
 - b. M1 J34 South
 - c. Vulcan Road - Meadowhall Road
 - d. Vulcan Road - Sheffield Road
 - e. Alsing Road Gyratory
 - f. Meadowhall Road - Jenkin Road
 - g. Orange Car Park - Meadowhall Way
 - h. Weedon Street - Meadowhall Road
 - i. Meadowhall Road - Barrow Road
 - j. Blackburn Meadows Way (Tinsley Link)
 - k. Yellow Car Park - Meadowhall Way
 - l. Red Car Park - Meadowhall Way - Plot 5 Car Park
13. The Traffic Model (TM) and Traffic Model Report (TMR) referred to in condition 8 shall take full account of the potential additional traffic impacts of any other committed developments including the River Don District development originally approved under outline planning permission ref. 18/03796/OUT.
14. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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INTRODUCTION

The proposal is a hybrid planning application for the development of additional commercial floorspace on land adjacent to and surrounding Meadowhall Shopping Centre. The application includes both a major (leisure led) extension to Meadowhall itself and also the development of a separate (non-clothing and luxury goods) retail park on the vacant land surrounding the existing Next at Home & Costa Units. Both of these elements are applied for in Outline form only. In addition, the proposal includes a full planning application to change the use of The Source from a training academy to a mixed-use commercial building.

The current application follows on from a previous full planning permission (ref. 16/04169/FUL) for a larger extension to Meadowhall (consented in May 2018) which lapsed in May 2021 without being implemented. Although the current revised proposals now include a substantially smaller extension to Meadowhall itself (reduced by 16% in terms of total floor area) the two additional elements now also included within the application (the new retail park and change of use of The Source) mean that the overall commercial floorspace proposed to be created is similar to the previous consent (34,479 sqm now proposed as opposed to 35,805 sqm previously consented).

However, the maximum quantum of the proposed commercial floorspace which could be used for indoor leisure or food & beverage sales has been reduced substantially (by 30% and 36% respectively). The quantum of floorspace which could be used for general retail purposes remains the same as previously permitted. As all elements of the development (other than The Source) are now in outline form, with all matters reserved, the precise scale, form, appearance, layout and phasing of the development scheme is uncertain at this stage – however maximum scale parameters and design principles would be established.

The key planning policy principle test which should be applied in assessing the application is establishing whether the development of the proposed quantum of out-of-centre commercial floorspace would have a significant adverse impact upon city and town centre vitality and viability, including local consumer choice and trade in the city/ town centre and the wider retail catchment. The impact of the proposal on existing, committed and planned public and private investment in the centres in the catchment area of the proposal should also be considered.

The environmental issues associated with the application must be assessed within the framework of the Environmental Impact Assessment Regulations 2017. This means that the decision maker must examine the environmental information (the environmental statement, including any further information and any other information and all representations), reach a reasoned conclusion on the significant effects of the proposed development on the environment, and integrate that conclusion into the decision as to whether planning permission is to be granted.

LOCATION AND PROPOSAL

Site Description

The proposal relates to the C. 29 hectare (ha) Meadowhall Shopping Centre site and adjacent land. Meadowhall is located in the area of Tinsley, on the north-eastern periphery of the urban area of Sheffield C. 1Km west of the boundary with the Borough of Rotherham. The River Don wraps around the western and northern site boundary

Meadowhall opened in 1990 and contains 290 retail outlets together with the Oasis food court and an 11-screen cinema across C. 144,000 sqm Gross Internal Area (GIA) of floorspace. This compares to C. 200,000 sqm of commercial floorspace comprised within Sheffield City Centre. Meadowhall's use mix is retail focused, with less food and beverage and leisure offer than is typical of a regional scaled shopping centre (over 90% of total commercial floorspace being in retail use).

Between February 2019 and February 2020 annual footfall was estimated at C. 18 million visitors per annum (an average of C. 344,000 per week). According to 2019 customer survey data the majority (approximately three quarters) of visitors to Meadowhall originated from within South Yorkshire (38% Sheffield; 25% Rotherham; 10% Barnsley; 5% Doncaster) with the remainder travelling from Nottinghamshire, Derbyshire and West Yorkshire. The applicant indicates Meadowhall employs up to 8,000 people during peak times (7,500 of-peak) and that 62% of all people who work at Meadowhall live in the City of Sheffield.

There are currently a number of vacant units within Meadowhall including the large former Debenhams Unit; however the situation is dynamic, with an occupant for the Debenhams Unit having been announced. The most up-to-date vacancy figures provided by the applicant, indicate that, as of December 2022, 9 units were vacant (3.4% of total floorspace). This compares with a 2022 vacancy rate within the City Centre of 20.7% of total floorspace.

The site is located C. 4.5Km from Sheffield City Centre and C. 3.5Km from Rotherham Town Centre. Meadowhall is partly encircled by its orbital road (Meadowhall Way) and effectively faces south-east with the main accesses to site coming off the A6178 (which runs between Sheffield and Rotherham). The Strategic Road Network can be directly accessed via either M1 J34 (south) or M1 J34 (north) which lie C. 0.5Km south-east/ north-east of the site respectively. The site has a dedicated public transport interchange and is connected to a variety of bus, tram and rail services, but also possesses expansive parking provisions, with 9,364 free visitor car parking spaces (and additionally 1,500 overflow spaces available at limited times) together with 1,143 staff car parking spaces, 262 contractor parking spaces and 33 coach parking spaces.

Travel surveys undertaken between 2009 and 2012 (the most recent available data) indicated that on average over the 4 years 80% of visitors travelled to Meadowhall by car, van or taxi whereas 18% travelled by public transport (8% train, 6% bus and 4% Tram) and 2% travelled on foot. Modal split is better for employees, with 2013 data indicating that 52% of the site's 8,000 to 7,500 staff

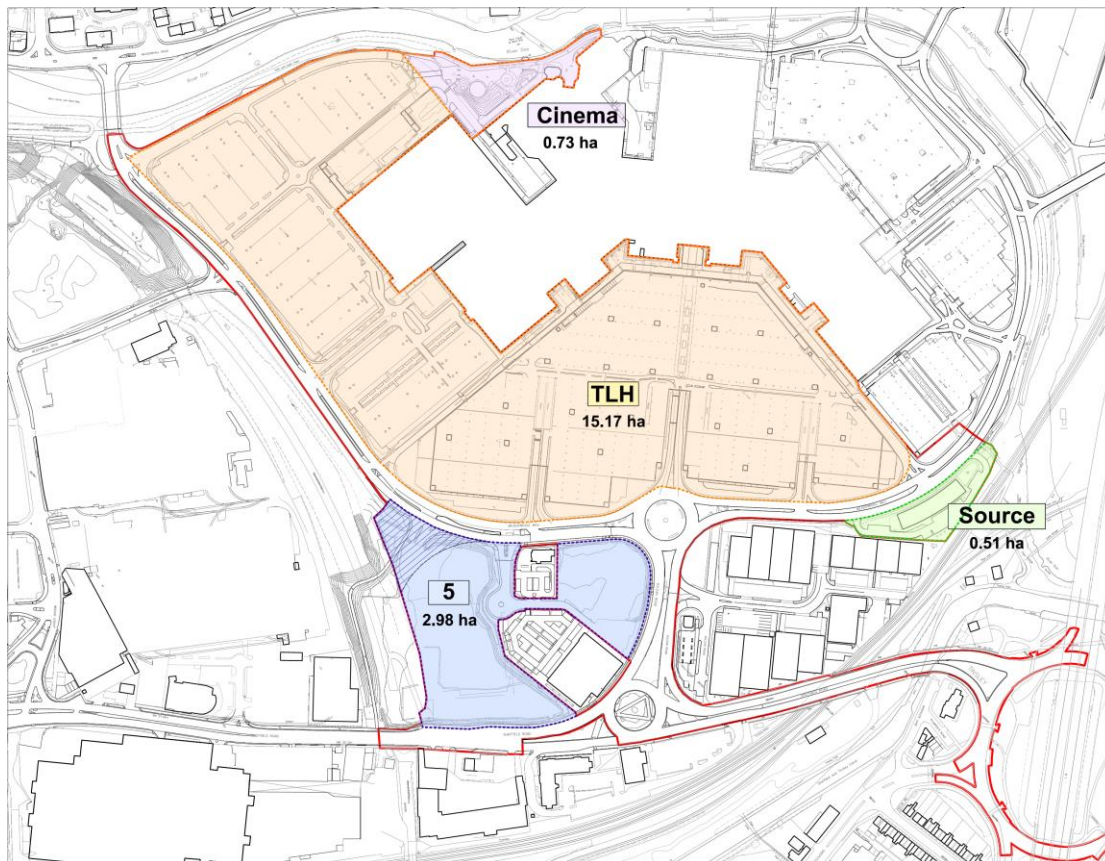
travelled to work by car, 43% by public transport, 4% walking and 1% cycling.

The surrounding area supports a mix of land uses, in addition to the shopping centre itself, including residential, commercial and industrial areas. An existing distribution centre (M1DC) lies adjacent to Meadowhall to the east, the use of part of which has been change to leisure (Jump Inc). The land to the south of Meadowhall has been approved for a major mixed-use development up to 100,000sqm of employment uses (Office, Industrial and Warehousing) along with other uses including retail, leisure, hotel and a car showroom (River Don District Development).

The proposal site itself (the land within the red line boundary) comprises:

- i) The C. 15.2ha 'yellow' and 'red' 2-storey car park areas to the south-east of Meadowhall and 'orange' surface car park to the south of Meadowhall [TLH];
- iii) The 0.7ha open area adjacent the Oasis located between Meadowhall and the River Don to the west, predominantly used for outdoor recreation [Cinema];
- iv) The C. 0.5ha 'The Source' Training Academy building to the east of Meadowhall [Source];
- v) Two parcels of vacant land to the south of Meadowhall (cumulatively C. 3ha adjacent to Next Home and Costa Coffee (between Meadowhall Way and Sheffield Road) [5];
- vi) The application boundary also includes part of the strategic and local highway network including parts of Meadowhall Way, Vulcan Road, the A6178 (Sheffield Road) and M1 J34 South.

The plan below shows the different parts of the site described above:



Amendments During Assessment

The application described below has been revised substantially from the scheme which was originally submitted. The revisions were made in response to feedback from the Council that the scale of development originally proposed would unacceptably impact upon relevant existing centres. The key changes comprise:

- a) A previous proposal to change the use of the M1 Distribution Centre (M1DC) from Storage and Distribution (B8) to (primarily) Leisure (Use Class E) has now been removed from the scope of the application;
- b) The scale of the proposed extension to Meadowhall (Plot TLH & Plot Cinema) has been reduced by 38% from 52,969 sqm GIA (with 35,805 sqm commercial floorspace) to 32,808 sqm GIA (with 22,808 sqm commercial floorspace);
- c) The maximum potential Leisure (Use Class E - excluding cinema) floorspace proposed within the application has reduced by 47% from 19,626 sqm GIA to 10,363 sqm GIA;
- d) The maximum potential Cinema (Sui Generis) floorspace proposed within the application has reduced by 69% from 4,200 sqm GIA to 1,282 sqm GIA;
- e) The maximum potential Food & Beverage/ Catering (Use Class E/ Sui Generis) floorspace proposed within the application has reduced by 36% from 11,034 sqm GIA to 7,077 sqm GIA.

Form of Application

The proposal is a hybrid planning application. This means that it includes both development which is applied for in 'Outline' form and also development applied for

in 'Full' form. The Outline elements of the application are listed below:

- I. Extension to Meadowhall to provide new Leisure Hall (31,136 sqm GIA*) (Plot TLH);
- II. Extension to Existing Cinema Complex (1,672 sqm GIA) (Plot Cinema);
- III. Construction of Additional Retail Units Adjacent to Next at Home/ Costa (8,381 sqm GIA) (Plot 5).

* GIA = Gross Internal Floor Area (Including Internal Circulation and Congregation Spaces)

The Outline elements of the application, as listed above, would require subsequent Reserved Matters approvals before they could be built. These Reserved Matters would comprise: Scale; Layout; Appearance; Landscaping and Access. In addition to the proposed land use and site area, the Outline application does however include certain development parameters including points of access and an upper scale parameter for the internal floorspace and height of the proposed leisure hall, cinema extension and retail park buildings, together with an upper floorspace parameter for each Use Class to be accommodated within those buildings. A Design Code has also been submitted to inform the design of the subsequent detailed development scheme at Reserved Matters stage.

Parameter Plans/Planning Drawings

The applicant has submitted parameter plans and planning drawings which along with any conditions will define the limits of any outline permission granted and full permission granted.

The planning drawings comprise of the following.

- Site Layout Plan and Application Boundary – As Existing ref. TLH-BDP-00-00-DR-A-000001 K;
- Site Layout Plan with Levels – As Existing ref. TLH-BDP-00-00-DR-A-000002 D;
- Application Plan Site Layout Plan Buildings Demolition & Retention ref. TLH-BDP-00-00-DR-A-000003 G;

The parameter plans comprise of the following.

- Parameter Plan Development Plots and Maximum building Footprint ref. TLH-BDP-00-00-DR-A-000004 H;
- Parameter Plan Maximum Building Height ref. TLH-BDP-00-00-DR-A-000006 D;
- Parameter Plan Development Plots Access ref. TLH-BDP-00-00-DR-A-000007 F.

The highways drawings comprise of the following:

- M1 Junction 34 North Junction Improvements - ref. 47826/1005/12;
- M1 Junction 34 North Slip Road Improvements - ref. 33909-5515-019 REV C;
- M1 Junction 34 South Improvements Plan – ref. 47826/1005/16;

- Alsing Road Gyratory – ref. 47826-1005-13;
- Sheffield Road / Vulcan Road signalised roundabout improvement – ref. 47826-1005-14;
- Widening of Sheffield Road between Vulcan Road and M1 Junction 34 (south) – ref. 47826-1005-15);
- PROPOSED SEGREGATED FOOTWAY/CYCLEWAY LAYOUT PLOT 5 – ref. 5001-004 P01;
- PROPOSED SEGREGATED FOOTWAY/CYCLEWAY LAYOUT PLOT TLH – ref. 5001-005 P01.

The drainage drawings comprise of the following:

- SURFACE WATER DRAINAGE STRATEGY – Ref. 332410835\004\002.

Environmental Impact Assessment/ Supporting Information

The application is for EIA Development and therefore the environmental issues associated with the application must be assessed within the framework of the Environmental Impact Assessment Regulations 2017 (EIA Regs). This means that the application must be accompanied by an Environmental Statement (a document which assesses the potential significant environment effects of the development in a structured manner), which must be examined by the Local Planning Authority.

An Environmental Statement was submitted by the applicant in October 2020 (dated September 2020) covering the following topics, Socio Economics, Human Health, Biodiversity, Air Quality, Traffic and Transport, Ground conditions, Water Resources, Flood Risk and Drainage. Following the amendments to the application (as described above) an Environmental Statement Addendum was submitted in July 2022 which reviewed and updated the previously submitted ES in light of the modifications to the development.

In addition to the Environmental Statement the applicant has submitted the following documents to support the application (only latest revisions listed):

- Planning & Economic Report – Sept 2020;
- Proposals Update: Planning Report – July 2022;
- Planning Benefits Report – September 2020;
- Statement of Community Involvement – Sept 2020;
- Design & Access Statement – September 2020;
- Proposals Update: Design and Access Statement Addendum – July 2022;
- Development Specification Update – July 2022;
- Updated Design Code Rev. 1 – July 2022;
- Flood Risk Assessment – ref. 47826/4001 – July 2022;
- Transport Assessment – ref. 47826/001 | Rev: FINAL – Sept 2020;
- Transport Assessment Addendum – ref. 332410835 Rev. A – Oct 2022;
- Summary of Proposed Highway Mitigation - Oct 2022;
- Framework Travel Plan – ref. 47826/5501 | Rev: AA – Sept 2020;
- Historic Environment Desk-based Assessment – ref. 112212.01 – June 2020;
- Outline Written Scheme of Investigation for Archaeological Evaluation – ref.

- 112212.03 – Feb 2021;
- Synopsis Report Presenting Ground Conditions Assessment - 47826/3501 | Rev: 02 – Sept 2020;
- Coal Mining Hazard Assessment – ref. 47826 / 3502 / CBH / GEO RPT03 (MRA) – Sept 2020;
- Water Framework Directive Compliance Assessment – ref. 47826/4001 – Sept 2020;
- NOISE TECHNICAL NOTE - 47826/TN001 – Sept 2020;
- Outline Construction Environmental Management Plan – ref. 47826/001 | Rev: AA - Sept 2020;
- Outline Construction Logistics Plan – ref. 47826/001 | Rev: AA – Sept 2020;
- Ecology Appraisal – Aug 2020.

The Environmental Statement and Environmental Statement Addendum, together with the above supporting documentation, have been subject to examination, including through review by expert internal and external consultees and this report sets out the key findings of this examination. In assessing and determining this application the LPA is mindful of the requirements of Regulations 3 and 26 of the EIA Regs to not grant planning permission for EIA development unless an EIA has been carried out in respect of that development and that an EIA must include:

- a) an examination of the environmental information (the environmental statement, the submitted further information and all representations);
- b) a reasoned conclusion on the significant effects of the proposed development on the environment;
- c) integration of that conclusion into the decision as to whether planning permission or is to be granted; and
- d) the consideration of whether it is appropriate to impose monitoring measures.

Meadowhall Extension Proposals

The first two elements of the Outline application (i) & (ii) essentially propose an extension of the existing Meadowhall Shopping Centre building to accommodate both a new 'Leisure Hall' (a new area of Meadowhall focussing on indoor leisure uses and food & beverage uses) and also a relatively small extension to the existing 11 screen cinema to allow up to 3 additional screens to be provided.

Cumulatively the proposed extensions amount to 32,808 sqm GIA (22,808 sqm of which could be actively commercially used) which would represent a 23% increase to the existing floorspace of Meadowhall Shopping Centre. It should be noted that the previous (lapsed) approval ref. 16/04169/FUL permitted a 37% increase to the existing floorspace of Meadowhall and proposed to include a more substantial amount of retail floorspace within the extension.

The proposed mix of uses within the extensions would be leisure dominated with up to 51% of the new floorspace proposed for leisure use, 26% food & beverage and the remainder split between retail, office, police station and creche/ non-residential institutions (but with a maximum of 2% of the floorspace being used for retail). Essentially what was previously approved is a larger extension with more of

a broad mix of leisure, food & beverage and retail uses whereas now what is proposed is a smaller (although still very substantial) extension which would focus almost exclusively on leisure and food & beverage, with a minimal level of ancillary retail space. Concourses and congregation spaces would also be substantially reduced.

The applicant has indicated that, in order to mitigate the impact of the development on the post-lockdown recovery of relevant City, Town and District Centres and currently planned/ committed investment in those centres none of the floorspace within the Meadowhall extension would be brought into use until 01 November 2029 at the earliest.

The submitted parameters plan proposes a maximum building height for the proposed Meadowhall extensions of 64.75m AOD (stepping down to 52m AOD). This represents a height of up to C. 30 metres above existing ground level stepping down to C. 18 metres and is comparable to the existing height of Meadowhall but with some flexibility for higher elements to be incorporated within the extensions (although all well below the height of the existing central dome).

The design code indicates that the proposed leisure hall extension could either be provided to the south-east of Meadowhall within the yellow and red car park areas 'Main Development Zone' or to the south of Meadowhall within the orange car park area 'Alternative Development Zone'. Sketch layout drawings and visualisations are provided illustrating potential approaches to the layout, form and appearance of the extensions. The Design Code indicates that any development on the Main Development Zone would involve:

- Access - vehicular access will be retained from Meadowhall Way
- Pedestrian links - pedestrian routes which connect the existing Meadowhall, and the neighbouring plots will guide the layout of the scheme
- Public space - a new public space will be provided at ground level to provide outdoor eating and seating areas and contribute to enhancing biodiversity in the area.
- Arrival - there is an opportunity to improve arrival experience for everyone by providing active frontages and legible layout of buildings and spaces
- Landmark - with a potential development terminating one of the key views the building lends itself to being a landmark. It will act also as a reminder of the range of experiences and history the area offers.
- Height - the new development will reflect the height of Meadowhall, and only where it contributes to legibility it could go up to 30m.

The Design Code indicates that any development on the Alternative Development Zone would involve:

- Access - vehicular access will be retained from Meadowhall Way, but potentially reconfigured to provide a better sense of arrival
- Pedestrian links - pedestrian links with potential new crossing on Meadowhall Way to provide links to south to Meadowhall Drive and to Plot 5
- Public space - a new public space in front of the new buildings will provide outdoor seating and green area

- Enhanced frontages - the proposed buildings will provide new active frontages opening into the new space
- Landmark - the western corner of the development zone can accommodate a landmark building which will be visible on approach in from east, west and south
- River Don - development in this zone will aim to establish linkages and references to the River Don.

The development of an extension to Meadowhall on either development zone would displace a certain amount of existing parking. The Design Code illustrations suggest that this could be compensated for through the construction of a new multi-storey car park at the eastern edge of the current Yellow car park (if required). Specific car park displacement figures and required parking levels will not be known until the Reserved Matters Stage. However, the applicant has confirmed that car parking levels within the site boundary will not be increased (there are currently 6,837 spaces within the site boundary). There is no suggestion that the proposed Meadowhall extension would generate additional parking demand beyond which could be readily absorbed within the existing site provision.

In relation to the proposed cinema extension this would be located within the relatively narrow open space between the existing Meadowhall building and the River Don to the north-west. This space is adjacent to the Meadowhall Oasis (food court) and existing 11 screen cinema and is currently occupied by a landscaped open space used as an amenity area/ outdoor spill out space from the Oasis

As the proposed scale of the cinema extension is relatively modest the Design Code indicates that only part of the space would be required for the cinema extension with the remainder retained as an 'enhanced' open space with improved frontages, signage, public art and seating areas. The existing riverside pedestrian and cycle path would not be affected. The Design Code principles for the cinema extension are:

- Facade - the extension provides an opportunity to create a facade which establishes a relationship with its setting and more specifically the River Don
- Views - views to and from the extension will be critical for creating a 'sense of place' and enhancing the character of the area through design quality
- Pedestrian links - the extension will be mostly accessed through the reconfigured existing cinema, but linkages to the riverside path will also be enhanced
- Flood risk and biodiversity - the development will respect the existing flood defences and will contribute to enhancing the existing biodiversity along the riverfront.
- Roofscape - the location presents an opportunity for introducing roofscape which relates to the local architectural heritage.

Plot 5 Retail Park

The third element of the Outline application (iii) relates to the construction of retail units on the vacant land surrounding Next Home and Costa immediately to the south-east of Meadowhall. The Next Home (2 floors - C. 5,700 sqm GIA) and

Costa (C. 200 sqm GIA) were approved upon appeal following refusal of application ref. 12/01017/FUL. This approval also included the development of a C. 15,700 sqm car dealership on the majority of the rest of the land (with 2 relatively small development plots remaining); however the car dealership was never implemented. The proposal is now to build out the vacant land with additional retail units to accommodate up to 8,381 sqm GIA of new commercial floorspace including 7,181 sqm of retail, 1,200 sqm which would comprise either a car showroom or police station and 900 sqm of ancillary food and beverage.

The applicant has proposed a planning condition which would prohibit retailers from occupying the units who primarily retail: clothing and footwear; jewellery; toys; cosmetics; audio and visual equipment; medicines; or other personal luxury goods. The applicant has also proposed a restriction to ensure that only a single retail unit (with a maximum net sales area of not more than 1,500 sqm) could primarily retail food i.e. only one supermarket could be developed on the plot.

Three potential points of access are shown – two from Meadowhall Way (Including the existing Next Home/ Costa access, and one from Sheffield Road. A strip of vacant land along the south-western boundary of the site is excluded from the development site – this land runs along the potential alignment of the Innovation Corridor highway scheme. The western corner of the site is also shown as being reserved from development (until 23 July 2023) to allow the potential for a link road to be developed on this land between the Innovation Corridor and Meadowhall Way. The applicant has indicated that this area may potentially be used for car parking until that date.

The Design Code proposes positive frontages for the development on both Meadowhall Way and Sheffield Road, a landmark building or feature on the corner of Vulcan Road and Meadowhall Way and a maximum building height of 16.5 metres. A good quality hard surfaced, signposted and street lit pedestrian and cycle link is currently present along Plot 5's south-western boundary linking Sheffield Road to Meadowhall Way, and the Design Code also proposes to retain this. The Design Code principles for Plot 5 are:

- Access - vehicular access will be retained from Meadowhall Way, with only an alternative option for access from Sheffield Road if the Innovation Corridor layout affects the access from Meadowhall Way.
- Pedestrian links - with potential new crossing on Meadowhall Way to provide links to Meadowhall and development on Plot TLH
- Biodiversity enhancement - the plot presents an opportunity for provision of landscaped areas adjacent to the embankment which is Local Wildlife Site.
- Frontages - those on Sheffield Road and Meadowhall Way will play a key role in creating a sense of place.

Plot Source Change of Use

The final element of the planning application, which is proposed as a full planning application, is the change of use of The Source [Current Home of The Source Academy] to a Mix of Alternative Commercial Uses (3,290 sqm GIA) (Plot Source). This element of the application is for a change of use of a 3-storey building to the

east of Meadowhall, which is currently used as an educational establishment (The Source Skills Academy). The proposal is to change this to a flexible mixed-use building, with the primary use being as an office but also including elements of fitness, food and beverage.

Overall Development Scheme – The Meadowhall Masterplan

The collective elements of the application described above are referred to by the applicant as The Meadowhall Masterplan (TMM). Although the proposed extension to Meadowhall itself is c. 36% smaller than the previous lapsed consent (in terms of the commercial floorspace to be delivered), cumulatively the overall commercial floorspace to be provided as part of the development, taking account of all of the above elements, is comparable (with a reduction of 4% on the commercial floorspace previously approved). The following tables break down proposed floorspace by plot and use (including a comparison with the previous approval):

Previously Approved (16/04169/FUL) Maximum Development Floorspace

Use	Use Class	Max Floorspace now Proposed
Leisure (inc Cinema)	Use Class E & Sui Generis	16,693
Retail	Use Class E	7,181
Catering/ Food & Beverage	Use Class E & Sui Generis	11,034
Offices	Use Class E	4,256
Learning, non-residential institutions, creche, day centre and/ or nursery	Use Classes E and F1	1,202
Police Station and/ or Car Showroom	Sui Generis	3,222
MAX COMMERCIAL GIA	[all figures = sqm GIA]	35,805
MAX GIA (INCLUDING CIRCULATION SPACES)		43,588

Currently Proposed (20/03766/OUT) Maximum Development Floorspace

Use	Use Class	Max Floorspace now Proposed	% Change from Previous Consent
Leisure (inc Cinema & Gym)	Use Class E & Sui Generis	11,645	-30%
Retail	Use Class E	7,181	No Change
Catering/ Food & Beverage	Use Class E & Sui Generis	7,077	-36%
Offices	Use Class E	5,086	+20%
Learning, non-residential institutions, creche, day centre and/ or nursery	Use Classes E and F1	4,492	+274%
Police Station and/ or Car Showroom	Sui Generis	2,934	-9%
MAX COMMERCIAL GIA	[all figures = sqm GIA]	34,479	-4%
MAX GIA (INCLUDING CIRCULATION SPACES)		44,479	-16%

Currently Proposed Maximum Development Floorspace (By Plot)

Use	Use Class	Plot TLH	Plot Cinema	Plot 5	Plot Source
Leisure (inc Cinema)	Use Class E & Sui Generis	10,363	1,282	0	550
Retail	Use Class E	524	0	7181	0
Catering/ Food & Beverage	Use Class E & Sui Generis	5,517	390	900	270
Offices	Use Class E	1,796	0	0	3,290
Learning, non-residential institutions, creche, day centre and/ or nursery	Use Classes E and F1	1,202	0	0	3,290
Police Station and/ or Car Showroom	Sui Generis	1,734	0	1,200	0
MAX COMMERCIAL GIA	[all figures = sqm GIA]	21,136	1,672	8,381	3,290
MAX GIA (INCLUDING CIRCULATION SPACES)		31,136	1,672	8,381	3,290

Overview of Main Mitigations and Controls

The application includes a series of proposals to mitigate the impacts of the proposed development including in terms of controls and restrictions on the commercial floorspace to reduce the impact on other centres and also mitigation measures and infrastructure improvement proposals to make the development acceptable in transportation and environmental terms. The key elements of this mitigation are summarised below:

Controls on the Commercial Uses Comprised within the Development:

- Plot TLH:
 - No more than 8 units to be used for leisure (Use Class E);
 - Total leisure (Use Class E) floorspace cap of 10,363 sqm GIA – including any existing or new leisure uses provided within the M1DC site;
 - No single leisure (Use Class E) unit to exceed 6,938 sqm GIA;
 - Obligation that no existing food & beverage units within the Oasis will be converted to retail use;
 - No floorspace to be occupied before **01 November 2029**.
- Plot Cinema:
 - Total maximum of 14 screens for the cinema overall following the extension (currently 11 screens);
 - No new cinema floorspace to be provided at ground floor level.
- Plot 5:
 - Only 1 unit to be used primarily for food sales (supermarket) with a max net sales area of 1,500 sqm;

- Prohibition on developing a supermarket as part of the River Don District consent (ref. 21/04322/FUL) if built on Plot 5.
- No units to primarily retail: clothing and footwear; jewellery; toys; cosmetics; audio and visual equipment; medicines; or other personal luxury goods;
- No units below 700 sqm GEA;
- 'No poaching' from City Centre condition.

Traffic and Transport Mitigation

- Monitor and manage approach to local highway and strategic road network mitigation - whereby the need for junction and road improvements (including to J34 North and South; Sheffield Road/ Vulcan Road and Alsing Road Gyratory) will be assessed at each phase of development;
- Public transport service improvement contribution;
- Proposals to upgrade South Tinsley Tram Stop with new canopies, benches, Real Time Information displays, bins, CCTV, lighting and signage;
- Upgrades to nearby bus stops (£20,000 - S106 contribution);
- Car park occupancy Variable Message Signs on highway network;
- Parking control zone within surrounding residential area (if pre and post development parking surveys confirm that this is needed);
- Cycle parking and EV charging points within the site;
- Public transport information signage within the site;
- Pedestrian and cycle connectivity improvements - upgraded toucan crossings and additional sections of segregated foot/ cycleways to Meadowhall Way, Vulcan Road and Sheffield Road;
- Commitment to Join ECO Stars Fleet Recognition Scheme;
- Safeguarding of part of Plot 5 Potentially Required for Innovation Corridor Link Road until 23/07/2023.

Other Environmental Mitigation

- Contribution to air quality mitigation initiatives (£75,000 - S106 contribution);
- Commitment to achieving a Biodiversity Net Gain (13% indicative);
- Creation of an artificial otter holt in a suitable location along the River Don;
- Installation of nest boxes;
- Commitment to achieve BREEAM Very Good;
- Commitment to meeting a minimum of 10% of the predicted energy needs of the development from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy (details unknown);
- Commitment to install green/ biodiverse roofs (extent unknown);
- Development to incorporate Sustainable Urban Drainage Systems (details unknown);
- Public art incorporated into congregation spaces provided as part of the Meadowhall leisure hall and cinema extensions (nature unknown).

The applicant also proposes to carry over a £100,000 contribution towards the Council's Work Ready programme which was previously paid under the lapsed previous approval ref. 16/04169/FUL).

The above mitigation would be secured through a combination of planning conditions and a legal agreement under Section 106 of the Act. Details of which are provided at the end of this report.

SUMMARY OF REPRESENTATIONS

The application has attracted three objections, one from Rotherham Metropolitan Borough Council (RMBC), one from the director of NewRiver REIT (UK) Ltd (NRR) - who own the majority of land and property on The Moor in Sheffield City Centre, and one from the managing director of Dransfield Properties Ltd (DPL) - who own and manage the Fox Valley retail, office and leisure development in Stockbridge. RMBC confirmed their continued objection following the revisions to reduce the scale of the scheme whereas DPL did not. NRR only provided comments towards the end of the process and based upon the currently proposed revised scheme. In addition, Barnsley Metropolitan Borough Council (BMBC) have confirmed that they have no objection to the application, subject to the proposed floorspace restrictions. The key parts of the objections are set out below:

NRR Objection (15th November 2022)

Without a quantitative or detailed qualitative leisure impact assessment, or cumulative retail impact assessment from the applicant, it is difficult for us or the Council as planning authority to assume anything other than that the proposal, a major out of centre development, will have a significant harmful impact on Sheffield City Centre over the short and long term and, as such, is contrary to planning policy at all levels. There are several vacant units still on the Moor and Fargate which will inevitably have to try to pivot to a more leisure and F&B led offer, the proposals from the applicant could easily have a significant detrimental impact on this becoming a success for the city centre.

RMBC 2nd Objection (07th October 2022)

'It is recognised that that the amended scheme proposes less overall floorspace than the extant permission, however the amount of retail floorspace remains identical to the consented scheme and the proposed quantum of catering and leisure floorspace raises significant concerns in relation to the planned investment into the Council's Forge Island scheme, which is leisure led.

In this regard, whilst it is acknowledged that work has commenced on the Forge Island scheme, it is considered that the proposed Meadowhall expansion will draw in more of the local spend available within the region. It would directly compete for the local and regional leisure market thereby spreading a limited amount of available spending across a wider footprint/number of operators. The result of this will be to weaken the long-term prospects for Rotherham town centre to build on the Forge Island investment and the public investment into the creation of a new leisure and cultural quarter.

Retail in Rotherham town centre has been decimated by the proximity of large out of town shopping centres. The response from planning consultants acknowledges the negative impact that Meadowhall has had on Rotherham and the resulting need for the Council to consolidate the town centre and diversify its offer. The proposed Meadowhall expansion (into a greater share of the leisure market) has the very real potential to double down on the negative impact Meadowhall has had on Rotherham and would undermine the strategy to regenerate the town centre and the investments being made.

Accordingly, whilst RMBC are generally supportive of development and investment within the South Yorkshire Mayoral Combined Authority region, the scale and land uses proposed as part of the Meadowhall expansion are likely to have a significant adverse impact on the vitality and viability of Rotherham town centre and planned investment in the Forge Island site as well as existing investment across the remainder of the town centre. Rotherham Borough Council therefore objects to the proposals on the following grounds:

- The proposed extension to Meadowhall Shopping Centre is likely to have a significant adverse impact upon the vitality and viability of Rotherham town centre; and
- The proposed extension is likely to have a significant adverse impact upon planned investment in the Forge Island site and also existing investment across the remainder of the town centre'

DPL Objection (15th March 2021)

'Our company objected to the previous larger plans with the Meadowhall expansion which were approved by Sheffield City Council in 2018. It is our view that the concerns around the impact on other retail centres in the region remain with this scaled back, but still significant extension plan for a new Leisure Hall which includes additional retail space as well as an expanded food and drink offer.

As our sector emerges from what has been one of the most devastating periods and we prepare to re-open more stores in a very changed economic landscape, I would urge our local planners to do their utmost to help protect our town and district centres. Allowing further investment and expansion at Meadowhall will do nothing for those centres which are now facing fresh retail vacancies and the challenge of attracting shoppers back to our traditional retail environments. Never has it been a more important time to put town and city centres first over out of town retail. We need to allow the businesses that are now reopening the time to rebuild and find their place again in the new circumstances we all find ourselves in as the lockdown eases and the economy returns to some sort of normality.

As your officers will be aware, we are fortunate in Stocksbridge to have been approved for a £24.1m grant from central government through the Towns Fund ... A large part of this funding will regenerate the Manchester

Road area – the traditional retail area of Stocksbridge which has suffered from a lack of investment and long-term vision in recent years ...

Any further expansion to Meadowhall should be viewed against this backdrop of the committed publicly financed regeneration schemes in the city region – not just in Stocksbridge but in neighbouring authorities such as Rotherham and Barnsley ... I would hope that against this background, alongside the need to protect our town and city centres, which is underlined in Stocksbridge by the Government's willingness to invest public funds here, the Council would refuse the further expansion of Meadowhall'

PLANNING ASSESSMENT

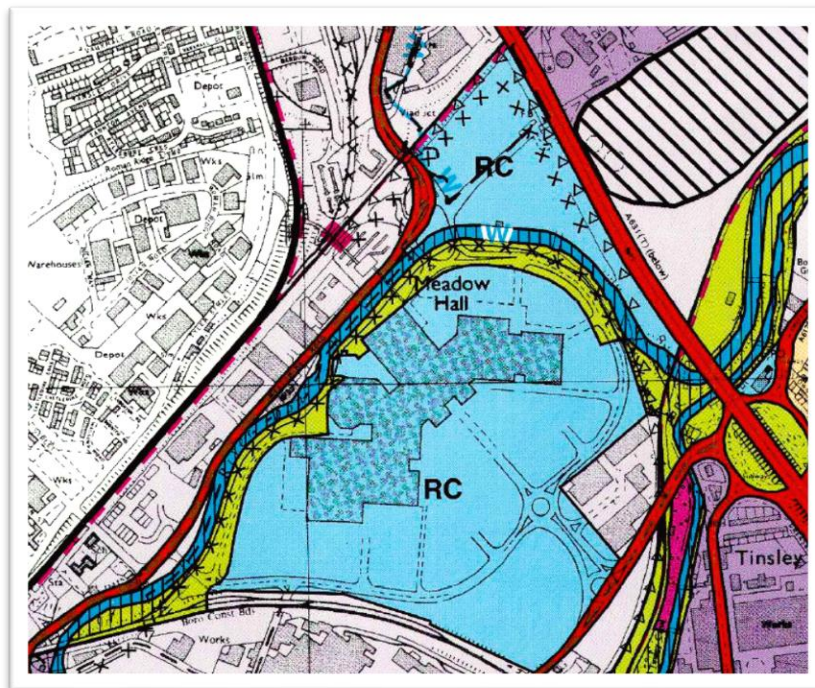
Planning Policy Principle

The proposal is to develop new buildings and associated parking and other infrastructure for commercial use (Use Class E, F1 and Sui Generis) on land within the existing built-up area of the City of Sheffield. Plot TLH/ Cinema and Plot Source would be categorised (under the NPPF definition) as previously developed land whereas Plot 5 would not be and is a greenfield site (with the steel works and railway sidings which historically occupied the site having been cleared and some natural regeneration having taken place). The mix of land uses proposed would mainly fall within the NPPF definition of 'Main Town Centre Uses'.

The Unitary Development Plan (which is partly saved and partly out-of-date as explained in following sections of this report) identifies all of the land (including Plot 5) as a Regional Shopping Centre, as per the extract below. The Core Strategy Key diagram broadly identifies the site as the existing site for the Meadowhall Shopping Centre and as a location for potential additional office and leisure development. The Core Strategy explains these proposals as follows:

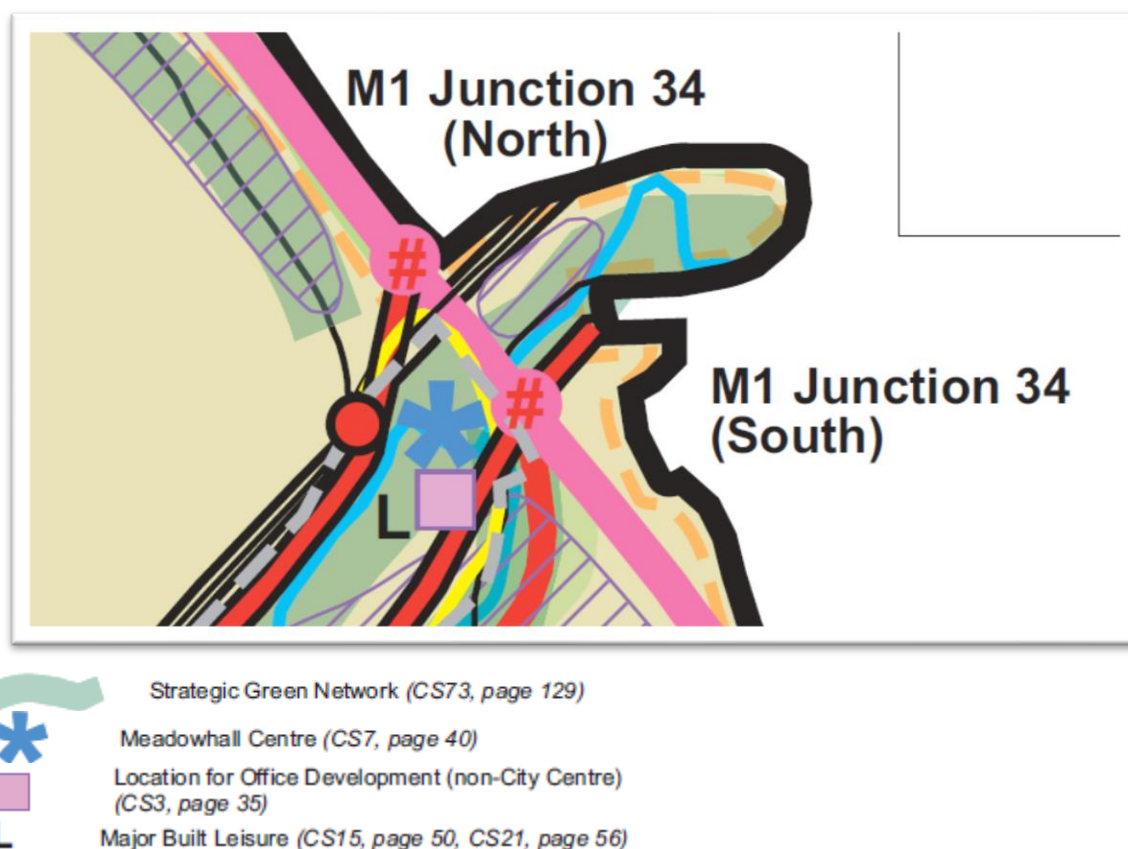
Meadowhall has vacant land with good road and public transport access where a new range of employment opportunities would contribute to the strategy for the Valley. Policy CS3 identifies it as a location for offices and it could also contribute to meeting the longer-term housing need. The location would be suitable for large-scale leisure that could not be accommodated in the City Centre. But, in keeping with the Regional Spatial Strategy [now defunct], there would be no significant expansion of shopping at Meadowhall.

Unitary Development Plan Proposals Map Extract (March 1998)



Regional Shopping Centre
refer to Shopping Chapter

Core Strategy Key Diagram Extract (March 2009)



Previous Consent

As described in the preceding sections of the report the applicant previously obtained consent for a larger extension to Meadowhall (ref. 16/04169/FUL). This consent lapsed in May 2021 and therefore is not a fall-back scheme. Every planning application should be judged upon its merits; however the previous consent was granted under a similar national and local planning policy environment to what is currently in place and the fact that consent was previously granted for a larger extension to Meadowhall Shopping Centre is considered to be a relevant material consideration.

The weight which is attached to this consideration is a matter for the decision maker. It is considered that the significantly different socio-economic circumstances now compared to 2018, including the effects of the coronavirus pandemic on City and Town centres (including increased large unit vacancies) and the current cost of living crisis and predicted recession, substantially reduce the weight which can be attached to the fact that consent was previously granted for a larger extension to Meadowhall. Therefore a full re-examination of the socio-economic impacts of the development is necessary – as is set out in the report below.

Town Centre Policy Issues

Applications for retail and leisure development not in a town centre and not in

accordance with an up-to-date Local Plan must pass the sequential test and impact tests. As Meadowhall is not identified as a town centre in either the Unitary Development Plan (UDP) or the Core Strategy (CS) and as this proposal has more than 2,500m² of floorspace, both sequential and impact tests are required. Paragraph 91 of the NPPF says that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on it should be refused.

Sequential test

Paragraph 87 of the National Planning Policy Framework (NPPF) says that “Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

The sequential test applies to proposals for main town centre uses (including shops, cinemas, restaurants, bars and pubs, other leisure and entertainment uses and offices) that are edge of centre or out of centre and not in accordance with an up-to-date plan.

Paragraph 88 says that “Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”

Impact

Paragraph 90 of the NPPF says that “When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).”

Unitary Development Plan

The application site is within Meadowhall Regional Shopping Centre. As Meadowhall is not identified as a town centre in the UDP the proposal is 'out of centre'.

Policy S5 applies to all out of centre retail development. It says that retail development other than within or at the edge of the Central Shopping Area will be permitted provided that:

- It would not undermine the vitality and viability of the City Centre as a whole,
- It would not jeopardise private sector investment needed to safeguard the vitality and viability of the Central Shopping Area,
- it would be easily accessible by public and private transport
- It would not have a significant harmful effect on public transport or other movement on the surrounding road network
- It would not result in a significant increase in the number and length of trips
- It would not take up land required for other uses.

This policy does not fully comply with the NPPF and some of wording is out of date. The policy should be given moderate weight.

Policy S8 is concerned specifically with development at Meadowhall. Shops, food and drink outlets, leisure and recreation facilities are listed as acceptable but proposals for major non-food development will not be permitted where they would undermine the strategy of concentrating such development with the Central Shopping Area and District Shopping Centres by:

- significantly and harmfully increasing the retail draw of Meadowhall; or
- facilitating relocation of forms of retailing from the Central Shopping Area that are fundamental to its vitality and viability;
- significantly and harmfully expanding forms of retailing fundamental to the continuing vitality and viability of existing Centres.

Non-retail development will be permitted provided that:

- It would not undermine the vitality and viability of the City Centre as a whole; and
- It would not jeopardise private sector investment needed to safeguard the vitality and viability of the City or put at risk the regeneration strategy for the Central Shopping Area; and
- there would be sufficient capacity in the highway network and there would not be a significant increase in the number and length of customer trips.

The reference to impact in this policy is in general conformity with the NPPF although it is worded in a different manner. It is considered that it should be given significant weight.

Policy LR2 says that new leisure and entertainment facilities will be promoted where they satisfy various criteria listed in the policy. The policy also requires entertainment and leisure developments which attract a lot of people not to undermine the vitality and viability of the evening economy of the City Centre and comply with policy S5.

This policy applies a different definition of the impact test and does not refer to the sequential test. Therefore, it is considered that it should be given limited weight.

Core Strategy

Policy CS7 'Meadowhall' says that the shopping centre will remain around its present size and large-scale leisure uses that cannot be located in the City Centre or at its edge may be located close to the interchange. New development around the Meadowhall Centre should be integrated with the existing development. It also says that transport measures, including Travel Plans, will be employed to mitigate the transport impact of development on the strategic road network and to reduce air quality impacts.

Policy CS14 says that Meadowhall Shopping Centre 'will remain at around its present size' and that major non-food retail development will not occur outside the City Centre's Primary Shopping Area and District Centres and their edges. The commentary on the policy defines major non-food development as usually consisting of increases in gross floorspace of more than 2,500m².

Policy CS15 says that major leisure facilities will be located in the Lower Don Valley if there are no sites suitable or available in or at the edge of the City Centre.

Policies CS7 and CS14 might appear to be inconsistent with the NPPF as they appear to place an embargo on development at Meadowhall and on major out of centre retail development, rather than allowing for the possibility of such development. However, the appeal decision for the Next Home and Garden near Meadowhall established that these policies could be regarded as up-to-date, provided they were applied in the context of the sequential and impact tests in the NPPF. Therefore, they are considered to have moderate weight. Policy CS15 conforms with the NPPF and should be given significant weight.

Summary of policy background

The NPPF's sequential and impact tests satisfactorily cover the policies in the UDP and Core Strategy that relate to prioritising City Centre development and assessing impact. The main policy assessments of the application are therefore whether it complies with the sequential and impact tests set out in the NPPF. The following sections consider the proposal in terms of the sequential and impact tests.

Sequential Assessment

The applicant has considered the availability of alternative sites within a wide catchment area which is consistent with the wide area from which Meadowhall draws its customers. They have split the development into individual plots for the purpose of assessing alternative sites. They have also reduced the plot sizes further to demonstrate flexibility on issues such as format and scale in assessing alternative sites. The following minimum sizes have been adopted for the site search.

- TLH plot measures 15.9 ha (according to the parameter plans). The minimum size adopted for searching for alternative sites is 2.3 ha for Town Centre sites with good access to car parking and 3 ha for all other sites.
- Plot 5, measures 2.98ha (according to the parameter plans), a site size

threshold of 1.25 ha has been adopted for the in-centre sites with good access to car parking, and 2 ha sites for others.

- M1DC - source measures 3.58ha (according to the parameter plans). A site size threshold of 3 ha has been adopted.
- Alternative Orange car park leisure a site area is 2.5ha (as indicated on the parameter plans). A site size threshold of 1.25 ha has been adopted.

The area of site search, approach and flexibility adopted with the sequential site assessment is considered to be acceptable.

Particular Locational Requirements

Paragraph 12 of the 'Town centres and retail' planning practice guidance produced by the government says that, when applying the sequential test, it should be recognised that "certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification."

The applicant has argued that there is a site-specific case for proposed development which can only be met at Meadowhall and therefore the element of the development scheme which proposes to extend the Meadowhall Shopping Centre passes the sequential test and there is no need to consider the availability of alternative sites.

This was the same argument that was presented to support the previous leisure scheme and at that time it was accepted in part. The applicant's case for a site-specific need is summarised as follows:

- There is a pressing need to broaden the use base to ensure that Meadowhall remains relevant to both customer expectations and demands.
- Meadowhall currently comprises 90% retail and, like all shopping centres, must adapt and respond to the 'experience' needs of customers.
- An appropriate mix of F&B and leisure uses are required to meet modern customer expectations.
- There is a site-specific requirement to improve the existing cinema offer which is aged and does not meet current modern-day standards.
- These needs are essential for Meadowhall to continue to compete with other regional shopping centres and in order to continue to be successful in delivering the economic benefits it provides to the city.

The applicant has resubmitted the evidence to support these arguments previously presented under planning application ref. 16/04169/FUL, which comprises:

- Leisure Review – October 2016 (prepared by CBRE),
- Retail Mix and Positioning Report – October 2016 (prepared by CBRE), and
- Overview of the Food & Beverage and Leisure Market and its Relevance in Terms of Meadowhall and Sheffield City Centre – October 2016 (prepared by Davis Coffey Lyons).

In addition to this, more up-to-date commercial market evidence has been submitted to support the current application, principally set out within a letter prepared by Smith Young which provides an updated consideration of the food and drink, leisure and retail market, where it applies to Meadowhall.

In terms of Meadowhall's food and drink offer the applicant makes the case that it is not appropriately scaled to support the shopping centre's customer base being approximately 6.7% of the gross internal area which lags behind other regional shopping centres. This is principally provided in the Oasis which caters for casual dining and fast food. However, the applicant contends that Meadowhall contains insufficient accommodation for premium or specialist food & beverage offers for which there is an operator demand. The applicant further contends that the Oasis has been over-trading, attracting negative customer experience with regards to waiting times/ queues and a lack of seating. Evidence of recent customer surveys including the Meadowhall Customer Feedback Programme 2019 have been submitted to support this.

In terms of the Leisure/cinema offer the applicant argues that Meadowhall is unable to meet consumer demands for an extended leisure day out, as Meadowhall is a retail dominated scheme (the only leisure operation being the cinema) and it lags behind other regional centres in this respect. The applicant contends that there is customer demand for large format leisure operators to be accommodated within the site and also that the existing cinema is outdated, poorly configured and does not meet modern operational needs and consumer demands which would be addressed by the cinema extension.

In terms of the large format retail which is proposed for plot 5 the applicant argues that Meadowhall's offer is limited. They further contend that the site's location near to the motorway network and the proximity of Next Home and IKEA creates a case for additional provision of further large format retailing to build out the vacant land on Plot 5.

As with the previous application, the evidence that Meadowhall has a more limited indoor leisure and food & drink offer than the majority of competitor regionally scaled Shopping Centres is accepted. It is also accepted that the relative lack of such facilities within Meadowhall is negatively affecting the customer experience and that developing additional units at Meadowhall primarily aimed at leisure and food & beverage operators would be likely to enhance and broaden the customer appeal of Meadowhall and improve its competitiveness.

The submitted Design Code and Parameter Plans confirms that the additional leisure and food and beverage floorspace proposed on Plot TLH and Plot Cinema within the current application would be functionally linked to the existing Meadowhall Shopping Centre. It is accepted that this functional link is necessarily to deliver the scheme's benefits (in terms of broadening the leisure and food & beverage offer comprised within the Meadowhall Shopping Centre) and could not be achieved on an alternative (more remote) site. It is therefore accepted that a site-specific case has been established for the proposed leisure and food & beverage led extension to Meadowhall.

In relation to the proposed retail units on Plot 5, a site-specific need for the development has not been demonstrated by the applicant and there is no clear explanation of the relationship between the proposed retail park and the existing shopping centre or the other components of the application. It is likely that this element of the application is driven by the opportunity presented by the applicant's ownership of the vacant land on Plot 5 and that is accessible to a wide catchment and capable of accommodating, subject to retailer demand, (i) a level of retail floorspace consented through the lapsed TLH scheme and which is no longer deliverable in that form and (ii) large format retail with substantial, dedicated surface level car parking.

Summary of Sequential Test

Given that a site-specific case is accepted for the development within plot TLH and Plot Cinema it is only necessary to consider whether there is a sequentially preferable site which can accommodate the retail proposed for Plot 5 (allowing for flexibility). The applicant has provided an extensive alternative site assessment including consideration of potential alternative development sites in Attercliffe, Darnall, Sheffield, Rotherham, Doncaster, Barnsley and Chesterfield.

A significant number of potential sites were dismissed as being too small to accommodate the proposed development or as not serving the same retail catchment. The remaining potential sequentially preferable sites within the relevant catchment area (including sites within Sheffield and Rotherham) have been assessed by the applicant and reviewed by officers along with the Council's retail advisors to consider their suitability and availability to accommodate a similar development to that currently proposed on Plot 5.

The potential candidate sites assessed in detail included: The Moor Phase 5, Heart of the City 2, the Former Castle Market Site, Fargate, redevelopment sites in Attercliffe and Darnall and a number of sites in Rotherham including the Forge Island site. All of the sites which were assessed were concluded to be unsuitable and/ or unavailable for a variety of reasons, including incompatibility with the land allocation, alternative development schemes being progressed on the sites and site-specific constraints.

Having robustly considered potential alternative sites for the development, applying a set of reasonable constraints in terms of site size and proximity, it is accepted that no alternative site is suitable and available for the development, even with reasonable flexibility in terms of scale and format. The sequential test is therefore considered to be passed.

Impact Assessment Methodology

The methodology for the impact assessment was discussed with officers and the Council's retail consultants at the pre-application stage and refined during the course of assessing the planning application. The assumptions and methodology adopted by the applicant are broadly accepted as being robust. This is notwithstanding the comments of NRR who have suggested that a quantitative or detailed qualitative impact assessment is required for the leisure elements of the

development proposal. The applicant has provided a qualitative impact assessment for the leisure elements of the proposal, and it is not possible to undertake a robust quantitative impact assessment (as explained further in subsequent parts of this report).

The originally submitted impact assessment was substantially updated and revised following the submission of significant scheme revisions in July 2022 to reduce the scale of the development and, in particular, the maximum quantum of leisure and food and beverage floorspace which would be delivered through the development scheme. These scheme revisions were made in response to the Council's initial assessment that the scale of out of centre leisure, food & beverage and retail floorspace originally proposed would have had a significant adverse impact on existing centres, particularly Sheffield City Centre in light of the (then) recent closure of the city Centre John Lewis store.

The applicant's updated retail impact assessment considers two development scenarios. These can be summarised as follows:

- I. The 'No Foodstore Scenario' assumes no foodstore would come forward at Plot 5, and therefore the maximum retail floorspace at Plot 5 (7,181 sqm GIA / 6,104 sqm net sales area) would comprise comparison goods floorspace in 2025. Under this scenario in 2030, it is assumed that 6,657 sqm GIA (5,658 sqm net sales area) would come forward at Plot 5, with the residual floorspace (524 sqm GIA / 445 sqm net sales area) provided at Plot TLH.
- II. The 'Foodstore Scenario' assumes that a 1,995 sqm GIA (1,500 sqm net sales area) foodstore would come forward at Plot 5 together with 5,186 sqm GIA (4,408 sqm net sales area) of comparison goods floorspace in 2025. Under this scenario in 2030, it is assumed that the foodstore would come forward alongside 4,662 sqm GIA (3,983 sqm net sales area) of comparison goods floorspace at Plot 5, with the residual floorspace (524 sqm GIA / 445 sqm net sales area) provided at Plot TLH.

Both of the scenarios set out above have been tested against 3 different scenarios based upon different assumptions about the loss of turnover impacts of the closure of the John Lewis store within Sheffield City Centre (Scenarios B, C and D). This report only refers to the figures relating to Scenario B, as this is the worst-case scenario.

The applicant has assessed the potential impact of the proposed development forecast forwards to both the year 2025 and the year 2030. Given the applicant's commitment to not occupy any part of the development on Plot TLH until 01 November 2029, the 2025 impact forecast would represent the impact of Plot Source, Plot 5 and Plot Cinema alone whereas the 2030 impact forecast would represent the full impact of all proposed floorspace including the main Meadowhall extension proposed for Plot TLH.

In terms of the leisure elements of the development, the applicant has provided a quantitative assessment of the potential trade draw of the proposed food & beverage floorspace; however the Council's retail consultant has advised that the

same level of confidence cannot be placed upon this quantitative assessment as is the case for the quantitative retail impact assessment. This is because there is no robust standard methodology for assessing food and beverage impacts - mainly due to the relative paucity of centre specific trading data available for the food & beverage sector. Therefore, qualitative factors should be treated as more important than the quantitative impact assessment when considering the potential impacts of the food & beverage floorspace comprised within the development.

The applicant has not attempted to provide a quantitative impact assessment for the other leisure floorspace comprised within the development (indoor sport and recreation), relying on a qualitative assessment of the circumstances associated with each potential leisure use type instead. This is because there is no accepted robust methodology for quantitatively assessing leisure use impacts, given the elasticity of household leisure use expenditure and the lack of published data on the turnover of individual leisure units. Consequently, it is accepted that a qualitative impact assessment is the correct and most robust approach in terms of assessing the impacts of the leisure uses comprised within the development.

Applicant's Quantitative Convenience Goods Impact Assessment:

The convenience goods offer comprised within the development is limited to the proposed 1,995 sqm GIA supermarket to be developed on Plot 5. This constitutes a relatively minor part of the overall development scheme, and it should also be noted that the applicant has already obtained planning consent for a supermarket on the adjacent River Don District site under consent ref. 18/03796/OUT (as subsequently varied). The applicant has proposed a planning obligation which would prohibit the delivery of this consented supermarket if the proposed supermarket on Plot 5 is consented and developed. The convenience goods retail impact associated with the development would therefore be no greater than has already been consented.

Irrespective the applicant has provided a quantitative impact assessment for convenience goods. The following tables show the applicant's forecasts of the worst-case scenario impact of the proposed development on the trade in convenience goods within relevant Town, City and District centres and also competitor edge of centre/ out of centre supermarkets, ranked in order of percentage of turnover lost. The data in these tables is extracted from the applicant's document 'Proposals Update: Planning Report (July 2022)'.

It can be seen that the majority of the sites which would be worst affected by a loss of trade as a consequence trade diversion to the proposed development would be existing competitor edge of centre and out of centre supermarkets. The applicant also predicts that there would be some trade drawn from the convenience goods offer within surrounding City, Town and District centres; however the total value of convenience goods trade which is predicted to be lost from any of the assessed City, Town and District centres is relatively low (£530,000 p.a. in the worst-case scenario).

Moreover, the applicant's assessment appears to be very conservative/ worst-case, in terms of the potential zone of influence of the proposed Plot 5

supermarket, given the actual real world geographical range of the catchment of most supermarkets. In reality it seems unlikely that significant numbers of supermarket customers would be diverted to the development who would otherwise have shopped for their convenience goods in centres which are relatively remote from Meadowhall such as Barnsley and Chesterfield (other than in terms of linked trips). The applicant explains that they are aware that the impact on relatively remote Town Centres is likely to be overstated; however their intention is to provide a robust worst-case scenario.

The applicant has proposed the following restrictions to mitigate the convenience goods retail impact of the proposed development:

- A planning condition restricting the sale of foods from any unit on Plot 5 (as the primary range of goods) other than a single unit i.e. only 1 supermarket could be developed on Plot 5;
- A planning condition restricting the maximum net sales area for any supermarket to be developed on Plot 5 to 1,500 sqm;
- A planning obligation which would prevent the delivery of the supermarket already approved under consent ref. 18/03796/OUT (as subsequently varied) if a supermarket is delivered on Plot 5.

Convenience Goods Trade Impacts - City and Edge/ Out of Centre Supermarkets

Figures in £m	No Development		Trade Diversion	With Development in Place		Reduction in Turnover (Impact)	
	Turnover 2025	Turnover 2030		Turnover 2025	Turnover 2030	2025	2030
Asda, Heeley	73.81	71.46	5.2%	72.96	70.61	1.2%	1.2%
Morrisons Catcliffe	43.39	42.01	3.0%	42.90	41.52	1.1%	1.2%
Morrisons, Bramley	61.70	59.73	4.0%	61.03	59.07	1.1%	1.1%
Aldi Meadowhall Retail Park	32.17	31.14	2.1%	31.83	30.80	1.1%	1.1%
Morrisons Parkgate	58.54	56.68	3.5%	57.97	56.11	1%	1%
Morrisons, Halfway	83.39	80.73	4.6%	82.63	79.97	0.9%	0.9%
Sainsburys Crookesmoor	58.07	56.22	2.8%	57.60	55.75	0.8%	0.8%
Asda Rotherham	124.28	120.32	5.1%	123.44	119.48	0.7%	0.7%

*Only supermarkets with above 2% predicted Trade Diversion have been included

Convenience Goods Trade Impact – City, Town & District Centres

	No Development			With Development in Place		Reduction in Turnover (Impact)	
Figures in £m	Turnover 2025	Turnover 2030	Trade Diversion	Turnover 2025	Turnover 2030	2025	2030
Barnsley	34.73	33.63	3.2%	34.20	33.10	1.5%	1.6%
Dinnington	76.64	74.20	2.6%	76.21	73.77	0.6%	0.6%
Chapelton	63.05	61.04	2.2%	62.68	60.68	0.6%	0.6%
Stocksbridge	46.92	45.43	1.8%	46.63	45.14	0.6%	0.6%
Worksop	33.12	32.06	1.2%	32.93	31.87	0.6%	0.6%
Sheffield	93.38	90.41	3.0%	92.89	89.92	0.5%	0.5%
Chaucer	51.77	50.12	1.6%	51.50	49.85	0.5%	0.5%
Chesterfield	36.43	35.27	1.1%	36.25	35.09	0.5%	0.5%
Wath-upon-Dearne	59.64	57.74	1.5%	59.40	57.50	0.4%	0.4%
Hillsborough	134.96	130.67	2.6%	134.54	130.24	0.3%	0.3%
Rotherham	62.09	60.11	1.2%	61.88	59.91	0.3%	0.3%

*Only those centres with above 1% predicted Trade Diversion have been included

*Convenience Goods are defined as goods bought for consumption on a regular basis including food, drink, newspapers, etc.

Applicant's Quantitative Comparison Goods Impact Assessment:

The comparison goods sales element of the development comprises the potential development of up to 7,181 sqm GIA of retail (Use Class E) floorspace across the overall proposal site. This floorspace would be distributed with the vast majority to be provided as part of an extended out-of-centre retail park adjacent to the existing Next Home and Costa on Plot 5, but potentially a small element of retail also comprised within the proposed Meadowhall extension (up to 524 sqm GIA).

The following table shows the applicant's forecasts of the worst-case scenario impact of the proposed development on the trade in comparison goods within relevant Town and City centres ranked in order of magnitude of impact (% of turnover lost). Only City and Town Centres are shown; the applicant has also assessed the potential impact upon relevant District Centres and this assessment is set out within the appendices to the submitted Proposals Update: Planning Report (July 2022). However, all predicted comparison goods trade impacts on District Centres are comparatively low (0.2% loss of trade or less). The only exception to this is the Crystal Peaks Shopping Centre, where a 0.3% (£100,000) loss of trade in comparison goods in 2030 is forecast.

Comparison Goods Trade Impact of Development (No Food Store) (Scenario B)

	No Development			With Development in Place		Reduction in Turnover (Impact)	
Figures in £m	Turnover 2025	Turnover 2030	Trade Diversion	Turnover 2025	Turnover 2030	2025	2030
Sheffield	709.30	728.25	34.7%	701.28	719.46	1.1%	1.2%
Barnsley	199.08	204.39	5.3%	198.22	203.46	0.4%	0.5%
Rotherham	136.97	140.62	2.7%	136.45	140.06	0.4%	0.4%
Wath-upon-Deane	15.47	15.89	0.2%	15.43	15.84	0.2%	0.3%
Maltby	10.56	10.85	0.1%	10.53	10.81	0.3%	0.3%
Doncaster	431.64	443.17	4.7%	430.52	441.94	0.3%	0.3%
Dinnington	14.20	14.58	0.1%	14.18	14.55	0.1%	0.2%
Chesterfield	353.04	362.47	3.8%	352.38	361.76	0.2%	0.2%
Nottingham	78.17	80.26	0.4%	78.04	80.12	0.2%	0.2%
Worksop	113.76	116.79	0.6%	113.59	116.61	0.1%	0.2%
Leeds	325.32	334.01	1.8%	324.96	333.62	0.1%	0.1%
Dronfield	16.90	17.35	0.1%	16.88	17.33	0.1%	0.1%
Pontefract	62.38	64.05	0.3%	62.32	63.98	0.1%	0.1%
Wakefield	296.82	304.75	1.5%	296.52	304.42	0.1%	0.1%
Huddersfield	259.93	266.87	1.3%	259.67	266.59	0.1%	0.1%
Retford	95.61	98.16	0.3%	95.53	98.08	0.1%	0.1%
Manchester	236.90	243.23	0.3%	236.83	243.16	0.0%	0.0%
Stockport	94.78	97.31	0.0%	94.77	97.30	0.0%	0.0%

* Comparison Goods are defined as non-food items including clothing, footwear, household goods, furniture and electrical goods which purchasers compare on the basis of price and quality before buying.

By far the most significant loss of trade in comparison goods to the proposed development is forecast to be experienced by Sheffield City Centre where 1.2% (£8,790,000) of the total forecast comparison goods trade within the City Centre in 2030 is forecast to be lost to the development in the 'no foodstore' 'Scenario B' scenario. This is followed by Doncaster City Centre (£1,220,000 in 2030 – 0.3% of total trade), Barnsley Town Centre (£930,000 in 2030 – 0.5% of total trade), and Rotherham Town Centre (£560,000 in 2030 – 0.4% of total trade).

In order to attempt to mitigate the impact of the comparison goods trade draw which would result from the proposed development the applicant has proposed a series of restrictions including:

- A planning condition prohibiting the sale of any of the types of goods listed below from any unit on Plot 5 (with the exception of retail sales ancillary to the main range of goods permitted):
 - a) Clothing;
 - b) Footwear;
 - c) Jewellery (including watches);
 - d) Toys;
 - e) Cosmetics.

- f) Chemist and medical goods.
- g) Audio visual equipment (including mobile phones and tablets).
- h) Books and magazines.
- i) All other personal and luxury goods.
- A planning condition restricting the minimum size of any retail units to be developed on Plot 5 to 930sqm Gross External Area (GEA) - with the exception of an allowance for two retail units which shall have a minimum GEA of not less than 700 sqm;
- A planning condition preventing any retailers who also occupy retail floorspace in their own unit in Sheffield City Centre from occupying any of the units comprised within the proposed development unless they agree to retaining their presence as a retailer within Sheffield City Centre with at least 75% of the level of floorspace, for a minimum period of 5 years following the date of their occupation of retail floorspace within the development;
- A planning obligation prohibiting the existing food & beverage units within the Oasis and/ or the existing Meadowhall cinema from changing their use to retail units (other than ancillary sales to the main use).

Applicant's Quantitative Food and Drink Impact Assessment

Although there is no established robust methodology for assessing the impact of the development of new food & drink floorspace on existing centres, the applicant has undertaken a bespoke quantitative assessment which predicts the potential impact of the development on anticipated trade in food & beverage within relevant existing centres in the years 2025 and 2030 extrapolating from the data which is available. The assessment does not take account of the fact that the majority of food & beverage floorspace (within Plot TLH) would not be brought into occupation until 01 November 2029.

The key data (extracted from the tables within the applicant's document 'Proposals Update: Planning Report (July 2022)') is set out below. As can be seen from the table, the most significant forecast impact (in percentage terms) in relation to food and beverage trade draw to the proposed development, is predicted to be on the nearby Valley Centertainment Leisure Park (1.9% reduction in forecast 2030 trade due to the development). However, as this is also an out of centre site, the weight which should be given to this impact is low. This also applies to the forecast 0.3% trade draw from Doncaster Leisure Park.

In relation to the food and beverage trade draw impact upon Town, City and District Centres, by far the most significant impact, in terms of the amount of trade which is forecast to be lost within the applicant's quantitative impact assessment, is on Sheffield City Centre (£6,930,000 in 2030 – 0.7% of total trade). This is followed by Barnsley Town Centre (£1,150,000 in 2030 – 0.7% of total trade), Doncaster City Centre (£810,000 in 2030 – 0.2% of total trade), Rotherham Town Centre (£750,000 in 2030 – 0.6% of total trade), Chesterfield Town Centre (£730,000 in 2030 – 0.3% of total trade) and Ecclesall Road District Centre (£380,000 in 2030 – 0.4% of total trade).

Food & Beverage Trade Impact of Development

	No Development			With Development in Place		Reduction in Turnover (Impact)	
Figures in £m	Turnover 2025	Turnover 2030	Trade Diversion	Turnover 2025	Turnover 2030	2025	2030
Valley Centertainment Leisure Park	31.37	33.72	4.1%	30.76	33.07	2.0%	1.9%
Barnsley Town Centre	147.36	158.37	7.3%	146.26	157.22	0.7%	0.7%
Sheffield City Centre	974.18	1,047.01	43.9%	967.59	1,040.07	0.7%	0.7%
Rotherham Town Centre	116.04	124.72	4.8%	115.32	123.96	0.6%	0.6%
Retford Town Centre	43.81	47.08	1.3%	43.62	46.88	0.4%	0.4%
Chapletown District Centre	25.27	27.15	0.6%	25.17	27.06	0.4%	0.4%
Killamarsh Town Centre	3.66	3.93	0.1%	3.65	3.92	0.4%	0.4%
Park Gate Retail Park, Rotherham	13.68	14.70	0.4%	13.61	14.63	0.5%	0.4%
Ecclesall Road District Centre	96.47	103.68	2.4%	96.11	103.31	0.4%	0.4%
Doncaster Leisure Park	5.65	6.07	0.1%	5.63	6.05	0.3%	0.3%
Crystal Peaks Shopping Centre	17.44	18.74	0.4%	17.38	18.68	0.3%	0.3%
Stocksbridge District Centre	13.33	14.32	0.2%	13.29	14.29	0.3%	0.3%
Ecclesfield Village Centre	7.90	8.49	0.1%	7.87	8.46	0.3%	0.3%
Dronfield Town Centre	22.24	23.91	0.4%	22.18	23.84	0.3%	0.3%
Worksop Town Centre	54.71	58.80	1.1%	54.55	58.63	0.3%	0.3%
Chesterfield Town Centre	259.43	278.82	4.6%	258.73	278.08	0.3%	0.3%
Hoyland Town Centre	7.04	7.57	0.1%	7.02	7.55	0.3%	0.3%
Mexborough Town Centre	35.95	38.64	0.6%	35.87	38.55	0.2%	0.2%
Penistone District Centre	8.21	8.82	0.1%	8.19	8.80	0.2%	0.2%
Doncaster Town Centre	337.99	363.26	5.1%	337.22	362.45	0.2%	0.2%
Wath-upon-Deane Town Centre	9.98	10.73	0.1%	9.97	10.71	0.2%	0.2%
Handsworth District Centre	23.63	25.40	0.3%	23.59	25.35	0.2%	0.2%
Bawtry Town Centre	29.85	32.08	0.4%	29.80	32.02	0.2%	0.2%
Hillsborough District Centre	22.11	23.76	0.3%	22.07	23.72	0.2%	0.2%
Wombwell Town Centre	16.71	17.96	0.2%	16.68	17.93	0.2%	0.2%

Although the confidence that can be placed upon the precise figures stated in the applicant's quantitative food & beverage impact assessment (as repeated in the table above) is relatively low (give the limitations of the data upon which this assessment is based) the general pattern of trade draw which is described by the applicant in this assessment is considered to be generally robust and to make logical sense.

In particular, given the out-of-centre location of the site and the nature of the proposed food & beverage offer (being linked to a wider retail and leisure offer and likely to predominantly cater to visitors on linked leisure and retail trips) it seems reasonable to predict (and probable) that biggest trade draw impact (in percentage terms relative to total turnover) arising from the food & beverage floorspace comprised within the development would be experienced by the nearest comparable out-of-centre mixed use leisure and food & beverage destination, Valley Centertainment. It is further considered reasonable and probable to predict that the most significant impact arising from the development in terms of the magnitude of trade diversion (although not the percentage of total trade lost) and the total amount of trade lost would be experienced by Sheffield City Centre - given that Sheffield City Centre has by far the largest food & beverage offer within Meadowhall's catchment and that both Sheffield City Centre and Meadowhall are very well connected to a very similar wide population catchment.

Applicant's Qualitative Leisure Impact Assessment

The largest single component of the proposed development is the proposed delivery of new floorspace to be used for indoor leisure (Use Class E) purposes. If the new cinema floorspace is also included, the total amount of leisure uses to be delivered as part of the proposal amounts to up to 34% of the overall 34,479 sqm commercial floorspace proposed (up to 11,645 sqm GIA). The amount of leisure development now proposed is significantly (30%) lower than was previously consented as part of the leisure hall development approved under (lapsed) planning permission ref. 16/04169/FUL but remains a very substantial amount of out-of-centre leisure development, the impacts of which must be fully considered.

The vast majority of the leisure floorspace would be developed as part of the proposed extension of Meadowhall into the 'yellow' and 'red' 2-storey car park areas to the south-east of Meadowhall and/ or 'orange' surface car park to the south of Meadowhall (Plot TLH). The provision of additional leisure and food & beverage floorspace to provide a better balance of uses within the Meadowhall Shopping Centre and fulfil modern customer expectations for a 'day out' at a regionally scale shopping centre remains the core rationale for the development.

The specific types of leisure use which would be provided as part of the development are not specified within the application (other than in terms of the cinema extension) and could comprise any uses which would fall under element (d) of Use Class E 'indoor sport, recreation or fitness principally to visiting members of the public [not involving motorised vehicles or firearms or use as a swimming pool or skating rink]'. However, the Smith Young letter submitted by the applicant provides the following information on potential types of leisure use/ operators:

'The type of leisure operators that are seeking representation in regional centres, such as Meadowhall, include those from the Health & Fitness Sector (e.g. Pure Gym, Anytime Fitness), Bowling (Superbowl, All Star Lanes, Hollywood Bowl, Lane 7, 10 Pin Bowling, Roxy Lanes), Children's Play (Extreme, Urban Legacies, Funtopia, Rock Up, Nickelodeon, Skate Parks), Ping Pong/Urban Golf, Indoor karting (Team Sport, Avago Karting,

Karting Nation) and other evolving competitive socialising concepts such as Flight Club (darts), Axe Throwing, Escape Rooms and all-encompassing offers such as Everyone Entertained and Boom: Battle Bars. However, until planning is secured operators won't fully engage.'

There is no established methodology for quantitatively assessing the impacts of proposed out-of-centre leisure uses. However the applicant has provided a qualitative assessment of the potential impact of the development of the proposed leisure uses upon existing centres based upon consideration of the local economic context and issues relevant to each potential occupier market sector. The applicant also proposes a series of restrictions intended to mitigate the impact of the leisure development upon existing centres, which in summary comprise:

- A planning condition prohibiting the development of more than 8 (eight) individual leisure units on Plot TLH;
- A planning condition restricting the maximum size of any individual leisure unit on Plot TLH to 6,938 sqm GIA;
- A planning condition restricting the cumulative maximum total amount of floorspace within the land area covered by both the planning application boundary and the M1 Distribution Centre (M1DC) permitted to be used for indoor sport and recreation to 10,363 sqm Gross Internal Area (GIA);
- A planning condition requiring that the extended Meadowhall Cinema Complex shall not have more than 14 screens (currently 11) – with no screens at ground floor level;
- A planning condition requiring that no part of the development approved within Plot TLH is brought into first use/ occupation before 01 November 2029.

In terms of the proposed individual unit floorspace restriction of 6,938 sqm GIA, the applicant has explained that this restriction is intended to prevent a leisure unit from being delivered as part of the proposal which would be scaled at a size which would have a regional trade draw. The figure proposed is based on the largest unit size that was assessed as not being a 'regional' facility, which in this instance was based upon the typical floor area of a ping pong/ trampoline park.

The applicant has explained that the purpose of the proposed delay to the occupation of the Meadowhall extension to November 2029 is intended to prevent the development of the proposed quantum of food & beverage and leisure floorspace from having a significant adverse impact on planned or committed investments within relevant existing centres – including Sheffield City Centre.

The applicant argues that these restrictions, together with the significant reductions in the amount of new floorspace proposed (compared to the both the previous (lapsed) consent and the originally submitted application) will ensure that the development will not result in a significant adverse impact upon existing centres and will not deter investment in those centres, as follows:

'The reduced quantum of floorspace (both retail and leisure) together with the suggested conditions put forward means that the proposals will not lead to a significant adverse impact on planned or committed investment. Both TMM and City Centre schemes, such as the Heart of the City, will

complement and can co-exist, whilst bringing about significant benefits to the City as a whole. This is demonstrated by the fact that investment continues to come forward within the City Centre (such as at Fargate and within The Moor) in full awareness by the market of the proposals at TMM.

The overall leisure floorspace now being proposed at TMM is much less than that previously proposed – reducing by 12,181 square metres. This includes the cinema element of the scheme now comprising an extension to the existing facility rather than the introduction of a new cinema – as previously proposed. This represents a notable and significant change to the scheme when assessing the likely impacts of the proposal on planned investment (and the vitality and viability of the City Centre).'

Underpinning the above conclusion is a qualitative leisure impact assessment which considers the magnitude and nature of the impacts of the proposed leisure uses comprised within the development based upon an analysis of the locational and trade draw characteristics of different types of leisure use. Fundamental to this analysis is their contention that a significant proportion of existing leisure facilities, which the proposed development would draw trade from, are located on out-of-centre sites and consequently do not underpin the vitality and viability of existing centres.

Larger leisure facilities, which would have a very wide catchment, are largely precluded by the proposed floor-space restriction. However, irrespective, the applicant argues that regionally scaled leisure facilities, such as theme parks, sea life centres, etc, are also typically located in out of centre sites and consequently stand on their own and do not underpin the vitality and viability of City and Town Centres. The impact of the proposal in terms of drawing trade from existing competitor out-of-centre leisure facilities is essentially an issue of commercial competition – which planning policies does not seek to restrict (other than where this would affect the vitality or viability of a City, Town or District Centre).

Below is provided a summary of the applicant's sector by sector analysis of the potential impact of the proposed leisure floorspace comprised within the development based upon household survey derived data together with other relevant information sources:

Ten-pin bowling:

- The most popular destinations for residents within the catchment are Hollywood Bowl at Valley Centertainment; Tenpin at the Doncaster Leisure Park; Chesterfield Bowl; Barnsley Bowl; and Rotherham Superbowl, which collectively attract almost 95% of trips undertaken. All these facilities are located out-of-centre and the additional choice and competition that a potential tenpin bowling alley at TMM will provide will not have any adverse effect on the vitality and viability of any town centres.

Table Tennis

- 'Existing table tennis provision within the Catchment is principally provided by local authority run facilities within a wider sports centres, such as Abbeydale Sports Club and Concord Sports Centre in Sheffield. However,

Sheffield and surrounding areas lacks a commercial table tennis facility of the type that could potentially be provided at Meadowhall.

- Such a facility would differ to that currently available in that it would mix playing table tennis on a social level with an evening out by also providing a bar and restaurant. An example of such a facility is Bounce in London¹¹. This offer fundamentally differs to that provided at leisure centres, which is targeted at people who just want to play table tennis. This will be reflected in the times this activity will be undertaken and the pricing structure.
- Given this, there is no evidence to suggest that this type of facility will undermine existing table tennis facilities (which form part of a much wider leisure centre offer) and lead to a significant adverse impact.'

Health and Fitness

- 'Should such a facility be provided, it is expected that this would be occupied by a national operator, which will be for members club only, which will differ to that provided by local authority facilities.
- The bulk of comparable facilities (private clubs) are located in out of centre locations and are afforded no policy protection;
- Due to the high footfall of Meadowhall and the large number of staff who work on-site (in excess of 7,000) at Meadowhall, there will be good demand for an on-site health and fitness offer;
- There is limited overlap between the type of offer proposed and Council operated facilities; and
- None of the designated centres in and around the Catchment rely on members only health and fitness/gym facilities to underpin their vitality and viability;
- The potential impact of introducing a health and fitness operator as part of the proposals is unlikely to lead to a significant adverse impact on the vitality and viability of existing centres or on future investment.'

Trampolining

- 'There is already an existing facility operating on the M1DC site (Jump Inc Sheffield).
- The nearest facility in the wider area is provided near Valley Centertainment (Tramp2lean), which is located in an out-of-centre location.
- Within the wider area, Jump Inc Trampoline trade from an existing facility at Parkgate Retail Park in Rotherham, and further out-of-centre facilities are located in Doncaster (Go Bounce at Shaw Lane Industrial Estate and Air Kings Trampoline Park at Doncaster Road) and in Barnsley (at Cannon Way).
- The nature of these facilities and the requirement for large single level floorplates of over 2,500 square metres means that such uses are located in out-of-centre locations, such as at retail parks or industrial areas (as reflected by the existing facilities in the area). As a result, there will be no adverse impact on existing town centres as a result of such a facility being provided at TMM.'

Adventure/ Indoor Golf

- 'This type of leisure facility is limited in the Catchment. Existing facilities include: Paradise Island Adventure Golf at Valley Centertainment;

Rotherham Mini Golf on Doncaster Road, Rotherham; Pirate Cove Adventure Golf in Doncaster, which forms part of the Kingswood Golf Centre, none of which are located within established centres.

- Likewise, existing indoor golf facilities (i.e. indoor golf simulators) are currently limited in the local area. In Sheffield, existing provision includes The Indoor Golf Company on Rutland Street and Concept Indoor Golf on Chesterfield (both out of centre).
- Given the out of centre location of existing provision, which are afforded no planning policy protection, there is no evidence to suggest that the introduction of such facilities will lead to a significant adverse impact on the vitality and viability of existing centres or on future in centre investment.'

Children's Indoor Activities

- 'Reflecting the nature of this facility, which requires large floorplates at a low rent, existing facilities are predominantly located in out of centre locations. Such locations are afforded no policy protection. Such activities include Ninja Warrior, which is proposed to occupy the former Toys R Us at Meadowhall Retail Park, and Air Haus (indoor inflatable play park), which is already operating from M1DC.
- The popularity and demand for these facilities (as reflected by the strong interest that has been expressed for representation in Sheffield) means that existing facilities will continue to trade successfully alongside any improvement in the offer provided at Meadowhall. Whilst existing indoor soft play operators typically serve the local resident population, the wider attraction of Meadowhall means that the core customer base will differ to that of existing facilities within and beyond the Catchment. This facility will not be seen as a destination in itself but used as part of a linked trip as part of a wider trip to Meadowhall (e.g. a break from shopping or other activities for parents with children).
- Importantly, such facilities do not underpin the vitality and viability of established centres. As such, there is no evidence to suggest that this type of facility will lead to any adverse impact.'

Unique Leisure Offers

- 'The aforementioned leisure offers are mainstream commercial leisure uses which are found in most regions. There is a further sector of leisure which has a wider regional (and beyond) catchment, such as KidZania (currently located at Westfield), Legoland (Trafford Centre), Sealife (Trafford Centre), amongst other operators.
- Given that this type of leisure offer is unique in the Region, in the event that Plot TLH is attractive to such an operator, it will have no impact on any existing town centres. On the contrary it will grow the local market and make the Region more attractive.'

Cinema

In terms of the impact of the proposed cinema extension, the applicant argues the main impact will be on the Centertainment cinema which is most comparable and close by. They argue the other trading impacts will focus on the larger format multiplex cinemas and that the multiplex cinemas at Chesterfield and Doncaster are in out of centre locations so have no

planning policy protection. The Showroom and Curzon cinemas in Sheffield City Centre are smaller cinemas with a distinctly different offer which operate in close proximity to the Odeon Luxe and Light Cinemas. Whilst the Odeon and Light cinemas are more similar to the Meadowhall proposal the applicant argues that the City Centre location benefits from the student, workforce and visitor market and they will not be undermined by the development.

Health of Relevant Centres

It is not possible to provide up to date health check information for all existing centres within the relevant catchment area of the proposed development. However, the two closest City/ Town centres to the proposal site (Rotherham and Sheffield) have published relatively up to date health check reports, the conclusions of which are extracted in the following sections of this report.

This information is provided for the purpose of setting the development's potential impacts upon these centres in context. In summary the 2022 health check report for Sheffield City Centre advises that, although the City Centre can currently be considered vital and viable, there are various key issues of concern, including the high vacancy rate and the decline of comparison good retailing within the City Centre which threaten the City Centre's recovery.

In terms of footfall within the City Centre, it should be noted that the applicant has cited May 2022 data indicating that footfall within the City was greater than the same month in 2019; however this is taken out of context. The most recent (October 2022) footfall report for Sheffield City Centre, published by Sheffield BID, identifies that notwithstanding some peaks (May and July) where 2022 footfall levels exceeded 2019 levels, the overall year on year comparison predicts that total annual footfall in 2022 is likely to be 19.4% lower than was the case in 2019.

In this context the proposed retail floorspace on Plot 5 can be seen as a potential further risk to retaining a healthy level of comparison goods retailing within the City Centre. Moreover the trade draw of the development overall can be seen as a risk to addressing the current issue with reduced footfall, the high proportion of City Centre units which are vacant and the attractiveness of marketing City Centre vacant units for refurbishment, re-use and investment, including opportunities for re-purposing large vacant retail units to leisure use.

In summary the 2017 health check report for Rotherham Town Centre identifies issues with vacancies and market penetration and the impacts of competition from more attractive nearby centres, including Meadowhall. Diversification of the Town Centre Offer into leisure and food & beverage uses is seen as part of the key to addressing this.

Within this context it can be seen that the potential impacts of the proposed Meadowhall extension (Plot TLH & Plot Cinema) and the significant quantum of new leisure and food & beverage uses contained therein, is a particular risk to the stated objective of addressing Rotherham Town Centre's current issues with a lack of trade draw through diversification of the Town Centre to provide a better leisure

and food & beverage offer.

Health of Sheffield City Centre (2022)

“Sheffield city centre is by a distance the largest centre in the administrative area and meets a good range of Sheffield’s retail and leisure needs as a consequence. However, our survey of the centre has demonstrated that since 2016 the comparison goods offer of Sheffield city centre has deteriorated considerably. This is exemplified by the closure of the John Lewis department store at Barker’s Pool and the Debenhams at The Moor (alongside the loss of a number of other high profile comparison goods national multiples). Whilst this is a broader trend (reflecting shoppers’ propensity to go online for many comparison goods purchases), the impact on Sheffield city centre is significant. Comparison goods retail will however remain an important part of the city centre offer moving forward, and it will be important that this sector does not deteriorate further.

Conversely, the decrease in the comparison goods offer has been mirrored by growth in the service (leisure, retail and financial and business service operators) offer. In 2016, service operators accounted for 31.6% of all operators in the city centre. At 2022, the proportion of service operators in the city centre equates to 44.0% of all units in Sheffield. This increase is reflective of changes seen in centres since that time, with growth in service, particularly leisure service operators, coming by virtue of shrinkage in centres’ comparison goods offer. However, it is noted that the leisure service offer is concentrated around a day-time and early evening offer, and the city centre would benefit from additional evening operators. To that end, the opening of Lane 7, a modern, boutique bowling venue in 2019, is noted and is considered beneficial in diversifying the centre’s leisure service offer.

However, underling the city centre is the significant increase in vacant units. Our survey recorded a total of 139 vacant units, accounting for 25.3% of all units in the city centre. This figure is significantly in excess of the current national level, which equates to 14.1% of all commercial units being vacant. The 2022 vacancy rate also represents a slight increase on the 23.7% of vacant units recorded at 2016. The proportion of vacancies is considered to negatively impact the overall impression of vibrancy and vitality in the city centre. This can also be seen in the reduced footfall observed in the city during 2021 which, despite the lockdowns associated with the Covid-19 pandemic coming to an end, remains lower than in any of the years between 2016 and 2019. This reduced footfall is considered reflective of the reduced offer resulting in fewer visits and less activity, as well as an element of increased working from home reducing the activity arising from workers in city centre offices.

However, we note a number of recent projects which both reflect the changing nature of the centre and will result in an overall decrease in the proportion of vacant floorspace in the city centre. The delivery of such development will help Sheffield to continue to meet the needs of its residents and will therefore be important in ensuring that the occupancy rate

in respect of commercial floorspace improves going forward. This is necessary to underpin the city centre's future vitality and viability, and these projects are largely aligned with the Sheffield City Centre Strategic Vision.

It is clear that Sheffield city centre is currently undergoing a period of substantial change, with a contracting comparison goods offer and a resulting increase in the overall vacancy rate. Although some of this available floorspace has been repurposed, securing the re-use of additional vacant floorspace is urgently needed to ensure the centre's vitality and viability. Ensuring that emerging policy is sufficient to ensure the long-term health of the city centre will be a key element of ensuring this. However, although the city centre can be considered vital and viable the level of vacancies is such that this position could easily change and no longer be the case. Delivering continued diversification of operators and repurposing of vacant retail floorspace are crucial to avoiding this.”
Sheffield Retail and Leisure Study 2022

Health of Rotherham Town Centre (2017)

“Our health check assessment of Rotherham town centre has outlined the pressures that the centre faces in terms of its position in the retail landscape across the RMBC administrative area and its relationship to retailing in Sheffield. Rotherham is at the pinnacle of the retail hierarchy in the Borough, but it is not the location with the highest comparison goods turnover. That role has been taken by Parkgate which is, for some types of comparison goods shopping, considerably more attractive than the town centre. In addition Rotherham town centre also faces considerable competition from Meadowhall, and these factors leave the town centre with a relatively small geographic catchment and a weak market penetration level with this catchment. These pressures also leave the town centre with a vacancy level which is noticeably higher than the national average and also lower than average levels of comparison goods retailing and service uses.

These characteristics are likely to shape how Rotherham town centre aims at improving its health and attractiveness. In particular, with the ability to increase its comparison goods market share rather challenging, we consider that the future health of the town centre lies in the ability to diversify its offer and suite of land uses. This will include introducing a greater diversity of leisure and food/drink uses, in order to increase vitality and activity throughout the day and evening. This will also be assisted by an increase in the local residential population.

The Council has already started to take steps in this regard, including acquiring and promoting development sites and commissioning a town centre masterplan, and will now have to carefully consider the impact of development proposals for retail and leisure uses in the wider area in order to ensure that they do not impact upon the delivery of this planned investment.”

(Sheffield & Rotherham Joint Retail & Leisure Study - February 2017)

Cumulative Impact Assessment

The applicant's original submission included a cumulative retail impact assessment which took into account the cumulative impact of the proposed development, in combination with other committed development projects within Barnsley, Doncaster, Rotherham and Sheffield which would also be likely to change trading patterns. This assessment hasn't been updated for the revised scheme and is based upon January 2021 data.

Subsequently various significant changes have occurred, including the closure of the John Lewis store in Sheffield City Centre, which are likely to have led to some changes to the impact of the cumulative developments. However, the main findings of the cumulative assessment, in terms of the pattern of winners and losers from currently planned developments within the Region and the effect this may have in exacerbating or diminishing the trade draw impacts of the proposed development, are likely to remain broadly accurate and relevant to consider.

The findings of the cumulative impact assessment are essentially that for Barnsley and Doncaster the impact of the proposed development would be likely to be mitigated (reduced) due to the effects of other relevant planned developments in bringing more trade to these centres. For other centres, including Rotherham Town Centre, Crystal Peaks Shopping Centre and Sheffield City Centre, the overall trade diversionary effects of committed developments in Sheffield, Rotherham, Barnsley and Doncaster would exacerbate the trade draw effects of the proposed development.

The applicant's January 2021 assessment of the impacts of other committed developments (excluding the current proposal) upon comparison goods trade in key relevant centres in 2030 is set out below:

- Barnsley +14.2%
- Doncaster +8.4%
- Sheffield -1%
- Crystal Peaks -2.4%
- Rotherham -3.8%

Assessment of impact of the development on town centre vitality and viability:

NPPF policy guidance and appeal decisions establish that, in considering the potential impact of the development of new out-of-centre retail and leisure uses, the relevant test is to consider the impact on the vitality and viability as a whole rather than on specific sectors or retailers. It is established that it is necessary to consider the impact on turnover of existing centres and to have an understanding of the health of existing centres in order to judge whether the impact on the existing centres will be significant.

When assessing impacts, there is no specific threshold or percentage impact which points to whether the adverse impact on town centre vitality and viability is likely to be 'significant'. PPG (paragraph 018 of the "Planning for town centre vitality and

viability” section) advises that:

“A judgement as to whether the likely adverse impacts are significant can only be reached in the light of local circumstances. For example, in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.”

The below assessment firstly specifically focuses on the development’s potential impacts upon Sheffield and Rotherham (as the nearest City and Town Centres to the proposal site), then considers the development’s potential impact upon investment decisions and finally provides an overall conclusion on the development’s acceptability in relation to the key policy test of whether the development would have significant adverse impacts on the vitality or viability of any of the existing centres within the site’s catchment or investment within those centres.

Impact Upon Sheffield City Centre (Vitality & Viability):

The proposed development is likely to have the greatest economic impact on Sheffield City Centre in terms of the total amount of trade which would be likely to be diverted from Sheffield City Centre to the extended and expanded Meadowhall facility. Meadowhall is already the City Centre’s main competitor for shopping, with there being a significant level of trading overlap between the two shopping destinations and Meadowhall (relative to Sheffield City Centre) securing a higher comparison goods turnover and enjoying a stronger catchment for a number of comparison goods sub-categories.

In terms of the comparison goods impact it is considered that the applicant’s assessment is likely to have slightly under-estimated the trading impact on Sheffield City Centre (and other existing centres) as a result of an unreasonably low average sales density assumption for Plot 5. However, irrespectively, the forecast percentage impacts of the development on the comparison goods turnover of Sheffield City Centre are considered to be relatively low compared to overall turnover (1.2% or less) and could not reasonably be concluded to be a significant impact even if a higher sales density was used.

Most of the comparison goods floorspace proposed (up to 7,181 sqm GIA assuming no foodstore element) would come forward at Plot 5 in the short term. Plot 5 would effectively become a standalone, large format retail park capable of becoming an attractive shopping destination in its own right – to both consumers and operators. However, the unit size and goods restrictions proposed by the applicant would help to ensure the Plot 5 retail park retains its predominantly ‘bulky goods’ function, thereby limiting the direct trading impacts on Sheffield City Centre.

The above assessment recognises the market share findings of the 2017 Joint Retail and Leisure Study, which cited clothing and fashion, health and beauty goods and jewellery, games, toys and sporting goods as the biggest contributors of comparison goods expenditure in the City Centre. All of these goods, apart from sporting goods, would be restricted at Plot 5 by the proposed planning condition

(other than retail sales ancillary to the main range of goods).

The more recent household survey evidence informing the 2022 Retail and Leisure Study indicates that, there are signs the City Centre has seen a decline in its own 'bulky goods' market share following the closure of the JLP and Debenhams department stores. However a 'no poaching' planning condition is proposed, which would require retailers currently present within Sheffield City Centre and wishing to re-locate to plot 5 to enter into a legal agreement to retain 75% of their presence in Sheffield City Centre for 5 years following re-location.

It is acknowledged that this condition will not necessarily be fully effective in preventing the development from 'poaching' retailers from the City Centre and would not apply at all to the food & beverage and leisure units to be provided within the proposed main Meadowhall extension on Plot TLH. However the condition is likely to assist in deterring the relocation of key retailers from the City Centre to Meadowhall. It is also considered necessary to impose a restriction on developing additional 'mezzanine' floors within the proposed Plot 5 units to ensure that those units do not expand their retail floorspace over time through internal alterations which would increase their trade draw to the detriment of the City Centre and other relevant centres.

More generally, it is considered that the proposed retail restrictions on Plot 5, including the restrictions on the unit sizes, retail floorspace, primary ranges of good to be sold and the 'no poaching' condition will serve to mitigate (but not eliminate) the risk of the development contributing to the further deterioration of the City Centre's comparison goods sector – against a background of major stores closing and/or polarising to a smaller number of prime locations.

The 1,995 sqm GIA food-store/ supermarket now proposed to be potentially included within the Plot 5 development would broaden the retail park's function and appeal to consumers, albeit at the expense of an equivalent amount of comparison goods floorspace. The scale and format of the food-store/ supermarket means it would principally have a 'main food shopping' function. However, the forecast trade draw for convenience goods (less than 0.5% for Sheffield city Centre) is considered to be well within acceptable limits, particularly given the relatively limited 'main food shopping' function of the City Centre – with its convenience-based retail offer more 'basket shop' orientated which would not compete with the Plot 5 food-store/ supermarket on a like-for-like basis.

In terms of the trade draw from the other 'short term' development comprised within the application, i.e. the limited amount of food & beverage floorspace proposed for Plot 5, the food & beverage and leisure/ fitness floorspace proposed for The Source and the proposed cinema extension, given the limited scale of these elements of the development it is considered that the impact would be limited and would not draw significant additional food & beverage and leisure trade from Sheffield City Centre, or any other centre.

It is therefore considered that the short-term impacts of the development (i.e. the impacts arising before the opening of the proposed main extension to Meadowhall after 01 November 2029) can be withstood by Sheffield City Centre. This considers

the evidence that footfall is recovering following the pandemic (although still remaining significantly below pre-pandemic levels) – despite some significant store closures including John Lewis and Debenhams – while a number of developments and investments continue to come forward, which will help to revitalise the City Centre and broaden the variety and attractiveness of its all-round offer to consumers, which include a growing residential population, in addition to an established student and worker population.

It is acknowledged that shop vacancy levels are high although this is a long-standing issue in Sheffield City Centre. There are also some notable voids, such as the John Lewis and Debenhams department stores (with the potential future re-use and/or redevelopment of these buildings under active consideration by the respective landlords). Finding a sustainable future use for these vacant units will be important to ensure the vitality and viability of the City Centre and it is recognised that the proposed development will not assist with this.

Nonetheless, it is considered that the C. 7-year occupation delay restriction to be placed on the proposed extension to Meadowhall would substantially mitigate the development's food & beverage and leisure sector impacts – with these sectors being of particular importance to the future recovery of Sheffield City Centre in the context of reduced retailer demand. The revised proposals would be flexible and adaptable to market demands, and even the existence of a planning permission for the quantum of food and beverage and leisure floorspace proposed may have some effect on investment decisions in the City Centre. However, it is considered that the adverse impacts, without the 'full' threat of the proposed Meadowhall extension being delivered in the short term, are unlikely to be significant.

It is also recognised that some comparison goods floorspace (up to 524 sqm GIA) could be delivered within the Meadowhall extension on Plot TLH after 1 November 2029 (resulting in less such floorspace at Plot 5) and that this would comprise smaller scale, unrestricted retail and would therefore trade at a relatively high sales density. However, it is considered that the relatively modest scale of this retail element within the main Meadowhall extension development would limit its trading impact on Sheffield City Centre.

The proposed development remains a major leisure-led mixed-use development focused in a location that is Sheffield City Centre's main competitor for shopping. The reality that the two locations have overlapping shopping catchments means their wider attractions, such as food and beverage and leisure, are also in competition.

It remains the case that the proposed development will make Meadowhall Shopping Centre a much larger and an even more attractive regional shopping and multi-purpose destination, including in relation to comparison retail, food & beverage, cinema and other leisure uses. However, it is considered that the revised proposals' reduced scale and other planning controls, notably the delay to the occupation of the main Meadowhall extension until 01 November 2029, will serve to substantially mitigate the impacts of the development upon Sheffield City Centre. It is also acknowledged that the maximum amount of leisure and food & beverage floorspace comprised within the currently proposed development is

substantially lower than was previously found to be acceptable in 2018 (albeit it is acknowledged that Sheffield City Centre (like the majority of other centres within the Meadowhall catchment) is now in a more fragile position than was the case at that time). Overall, on balance, it is considered that the adverse impacts the development would have on the vitality and viability of Sheffield City Centre are unlikely to be significant.

Impact Upon Rotherham Town Centre (Vitality & Viability)

Rotherham is the closest Town Centre to Meadowhall and Rotherham Borough Council object to the application upon the basis of the potential detrimental impact upon Rotherham Town Centre and the Forge Island mixed use development project. The applicant has sought to assess impacts on Rotherham through both a quantitative analysis of potential trade draw from convenience and comparison goods and food & beverage sales and a qualitative analysis of the nature of the offer within Rotherham Town Centre and Forge Island and how the development would compete with this.

The applicant's analysis indicates that quantitatively, in the worst-case scenario, in 2030 Rotherham's trade in convenience goods, comparison goods and food & beverage would be lower than it would have otherwise been as a consequence of the proposed development by the following percentages:

- Convenience Goods: 0.3%;
- Comparison Goods: 0.4%;
- Food & Beverage: 0.6%.

In qualitative terms the applicant assesses that:

'Rotherham town centre is focused on the lower end of the market, which has a limited overlap with the proposals at Meadowhall ... Fundamentally, the retail and leisure offer in Rotherham is not comparable to the current proposals at Meadowhall. Any impact on the vitality and viability of Rotherham town centre (particularly given the investment that is coming forward) will not be significant adverse.

Key planned investment in Rotherham at Forge Island is well advanced and is coming forward in the full knowledge of the proposals at Meadowhall. This includes securing the key anchor cinema use. This demonstrates the limited impact of the proposals on Meadowhall and the different role and function the two locations serve. The ongoing investment at Forge Island, or elsewhere in Rotherham, will not be significantly impacted upon.'

On their own, it is accepted that the trade impacts on Rotherham Town Centre are likely to be relatively low, given the limited extent to which the Town Centre can compete for visitors on a like for like basis with the proposed expanded leisure, food & beverage and retail offer at Meadowhall. However, it is also important to consider the qualitative issues, as the proposal will undoubtedly make Meadowhall an even more attractive destination for comparison goods shopping, food and drink, cinema and other leisure uses in a location which is in close proximity to

(and highly connected to) Rotherham Town Centre. Furthermore, there are clear signs that Rotherham Town Centre is increasingly fragile and vulnerable due to significant competition from out-of-centre provision, limited retail and leisure offer, high and rising vacancy levels and declining footfall.

It is acknowledged that the fact that Rotherham lacks a comparable retail and leisure offer to Meadowhall, to a degree, serves to limit the direct impact of the Meadowhall proposals. It is also considered unlikely that the proposal will result in the loss of the important investment opportunity at Forge Island - which will have the potential to claw-back some of the food and drink / cinema trade 'lost' to Meadowhall. Due to this and other investments (including from Towns Fund funding) it also appears to be a realistic possibility that the Town Centre will see improvements to its own leisure-based offer and overall health before the proposed Meadowhall extension would come forward in 2029.

Overall, based upon the different nature of the appeal of Rotherham Town Centre as opposed to the proposed expanded and improved Meadowhall offer, together with the evidence contained in the quantitative and qualitative impact assessments which have been submitted, and also giving consideration to the reduced potential maximum quantum of leisure and food & beverage floorspace comprised within the current application vs. the previous (lapsed consent), it is considered that the proposed development is unlikely to have a significant adverse impact on the vitality and viability of Rotherham Town Centre.

Assessment of overall impact of the development on town centre investment:

The 'town centre investment' impact test is set out under paragraph 90(a) of the NPPF. It specifically concerns 'the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.' What constitutes existing, committed and planned investment is not specifically defined by either the NPPF or PPG. However, the PPG (paragraph 015 of the "Planning for town centre vitality and viability" section) states it is appropriate to assess the impact of relevant applications on investment having regard to (inter alia):

- the policy status of the investment;
- the progress made towards securing the investment;
- the extent to which an application is likely to undermine planned developments or investments based on the effects on current/forecast turnovers, operator demand and investor confidence.

The applicant has provided an assessment of the potential impacts of the development upon planned or committed investments in City and Town Centre centres focusing on the following sites:

- a) The Moor, Sheffield City Centre
- b) Heart of the City 2, Sheffield City Centre
- c) Forge Island, Rotherham Town Centre

It is accepted that no other significant existing, committed and planned investment is likely to be put at risk by the proposed development. The applicant contends that

the reduced scale of the proposed development, particularly in relation to food and beverage and leisure proposals, together with other restrictive conditions, including the C. 7-year delay to the opening of the proposed Meadowhall extension (Plot TLH) will ensure that the potential effects on investment will not be significant adverse. The potential impact upon each of the key investments is assessed in more detail below:

The Heart of the City (HoC2) scheme remains the 'principal investment' in Sheffield City Centre. The project is now on-site/ under delivery. The applicant contends that, although the project will now be less retail focused than previously planned, the controls put forward to limit the scale and nature of the retail floorspace proposed for Plot 5 will ensure that this new retail development will complement rather than compete with any new retail floorspace coming forward within HoC2 or elsewhere in the City Centre. The applicant further points out that investment has continued to come forward within the City Centre, such as at Fargate and within The Moor, in full awareness by the market of the proposals to extend Meadowhall (including the previously consented development).

The above assessment is broadly agreed with in terms of the limited potential for the development to impact upon existing, committed and planned investments within Sheffield City Centre. In particular the benefit, in terms of preserving the current climate for investment, of the proposed C. 7-year delay to opening the main Meadowhall extension on Plot TLH and the fact that the previous consent did not deter the current investment in the City Centre are both acknowledged. While the former John Lewis store stands vacant, it does not represent a planned investment in the terms of the NPPF.

It is noted that Heart of the City 2 is currently under delivery and The Moor scheme is substantially completed, with phase 3 (including H&M, River Island, New Look and Lane7) delivered in 2019 and the 'phase 5' site currently the subject of a planning application (ref. 22/01163/FUL) for a new Lidl supermarket. As well as not qualifying as a planned investment in the terms of the NPPF, it is noted the Lidl plans have been submitted despite the revised Meadowhall development proposals (including a potential foodstore element) being under assessment. It is also noted that the former Debenhams store within The Moor is also being marketed for potential re-occupation. However, this does not constitute a planned investment.

With regards to Forge Island, the scheme referred to in the Rotherham MBC objection, there is considered to be no tangible evidence to suggest that scheme delivery and/or operator demand has been, or is likely to be, undermined by the proposed development at Meadowhall. This considers the September 2021 announcement confirming Travelodge as the hotel operator; in addition to reports that terms have been agreed with two restaurants, which will complement the new cinema (The Arc) committed to the scheme.

Giving consideration to the above factors, it is concluded that the 'town centre investment' test is passed.

Summary and Conclusion on Impacts on Existing Centres

It is acknowledged that the current proposals to extend Meadowhall through the provision of a substantial new leisure hall and a smaller cinema extension, will undoubtedly make Meadowhall an even more attractive regional shopping and multi-purpose leisure destination and will inevitably draw part of its increased trade from existing City, Town and District Centres (in addition to competitor out-of-centre facilities). The impact of the proposed extension to Meadowhall on existing centres will be compounded by the proposals to build out the vacant land around Plot 5, to deliver a completed out-of-centre large format retail park adjacent to Meadowhall, and to change the use of The Source from a training academy to a mixed-use commercial building.

It is also acknowledged that many of the existing centres which the proposed development will draw trade from, including Sheffield City Centre and Rotherham Town centre, are in a relatively fragile 'post-pandemic' condition, with relatively high vacancy rates, a struggling comparison goods retail sector and footfall which is only now beginning to re-bounce following the pandemic (although remaining c. 20% below 2019 levels upon the basis of Sheffield BID's October 2022 2019 v.s 2022 year on year comparison). The issues affecting the existing centres within the Meadowhall catchment is compounded by a general restructuring of the retail (comparison goods) sector in recent years which has seen the withdrawal of several significant retailers from the units which they previously occupied in existing centres, including the Debenhams and John Lewis units in Sheffield City Centre.

It is not yet known how successful the wide ranging currently planned/ committed investments in City and Town Centres, including the Heart of the City II project in Sheffield City Centre, and the various Levelling up Fund, Towns Fund and private sector investments and development projects across the region, including in Rotherham and Stocksbridge, will be in addressing the current issues with vacancies, loss of footfall/ trade and retail contraction. It is clear that the proposed significant expansion of Meadowhall Shopping Centre and the intended broadening of the appeal of Meadowhall by providing an expanded and improved food & beverage offer, together with new leisure attractions, will increase, to some degree, the risk of that these projects will fail to re-attract people to the City Region's City and Town Centres, rather than out-of-centre destinations.

However, it is acknowledged that the current proposals have been substantially reduced, in terms of the maximum amount of leisure and food & beverage uses which could be delivered as part of the development, both in comparison to the amount of development which was originally proposed within the current application and (more importantly) in comparison to what was previously consented in May 2018 through planning permission ref. 16/04169/FUL.

Moreover, it is broadly accepted that the quantitative and qualitative impact assessment provided by the applicant have demonstrated that there is no evidential basis to conclude that the proposed quantum of retail, food & beverage and leisure floorspace which would be developed would have a level of impact on any existing centre which could reasonably be considered to constitute a significant

adverse impact. In particular it is accepted that the amount of trade which would be lost from the comparison and convenience goods sectors in relevant centres would not be significant (less than 2% of total trade) and that the proposed food and beverage and leisure uses would be likely to more significantly impact upon existing out of centre retail and leisure parks than to divert a significant proportion of the population who would otherwise be travelling to City, Town and District centres for eating, drinking and leisure activities.

Although Meadowhall clearly currently competes with existing centres for customers and has harmed the vitality and viability of existing centres due to its trade draw, particularly in terms of comparison goods retail, it is noted that there is a general trend for City and Town centres to diversify their offer and promote city centre living – with centres looking to develop a more self-sustaining, balanced day and night neighbourhood economy (with a mixed shopping, service, food & drink, leisure, working and city centre living offer) rather than necessarily relying on drawing in large numbers of people from surrounding areas. In this context the applicant's claims that the proposed development will largely operate within a different market than the City, Town and District centre within its catchment and mainly draw visitors from other out-of-centre attractions rather than City and Town centres seems credible.

It is furthermore accepted that the mitigation proposed by the applicant should be effective in substantially reducing the impacts of the proposed development. In particular, it is considered that the commitment to delay the occupation of any floorspace within the proposed Meadowhall extension on Plot TLH by C. 7 years (to 01/11/2029), should assist considerably in protecting the regeneration projects currently being planned and delivered within City and Town Centres within the catchment from being significantly affected by the development in terms of competing for operators and customers in the short term while the schemes establish themselves.

Overall, taking all relevant factors into account, in terms of the health of existing centres and the potential impact of the proposed development, as set out in the report above, and subject to the impact mitigation proposed by the applicant being secured through appropriately worded planning conditions and obligations, it is accepted that there is no reasonable basis to conclude that the proposed development would have a substantial adverse impact upon the vitality and viability of any City, Town or District Centre within the catchment areas or any existing, committed and planned public and private investment in those centres. It is consequently considered that the application is acceptable in principle and accords with the relevant Local Plan and National Planning Policy Framework policies set out at the beginning of this section.

Design and landscape Issues

Policy:

Paragraph 130 of the NPPF says 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.

Paragraph 129 promotes the use of design codes to provide clarity about design expectations at an early stage.

Core Strategy Policy CS 74 sets out the design principles which the council expects to be adopted. It says that high quality development will be expected and says that it would be expected to take advantage of and enhance the distinctive features of the city including the townscape and landscape character of the city's districts including the scale, layout, built form and building materials. It also says that development should contribute to place making, that contributes to a healthy, safe and sustainable environment and promotes the city's transformation. It should help to transform the character of physical environments that have become run down and lack distinctiveness and should enable all people to gain access safely and conveniently. Policy CS 74 conforms with the NPPF and therefore should be given significant weight.

Whilst scale, design and appearance are reserved matters the development will regenerate the plot 5 site which is a highly prominent vacant site which will deliver significant design improvements. In addition, the proposed Meadowhall extensions have the potential to generally improve the outward face of Meadowhall, which is currently generally inward looking and outwardly anonymous and illegible (other than in terms of the iconic green roofscape and dome). A Design Code has been submitted to support the application and the form of the development which comes forward through the detailed development scheme comprised within Reserved Matters applications would have to conform with the design principles contained therein. As these guidelines establish design principles which are consistent with the NPPF and Development Plan policies there can be confidence that the development will conform to these policies.

Maximum Scale Parameters

The submission includes a series of plans which will impose constraints upon the form of development which can come forward within the Reserved Matters submissions. These constraints primarily relate to maximum floor areas and

building heights but also include an indication of access points.

The key constraint is upon maximum building heights and the height parameters plan essentially proposes stepped built forms for the Meadowhall extension plots (Plots TLH and Plot Cinema) where the elements closest to the existing Shopping Centre could potentially extend to C. 30 metres in height, but then drop to C. 18 metres in height for the majority of the building extending away from the existing shopping centre. This allows for some variation in form and height to allow sculptural roof elements, as per the previous consent, but would ensure that no building elements would be higher than the highest part of the existing shopping centre and that the scale of the majority of the built form would generally be consistent with the scale and massing of the existing site. The maximum height parameter for Plot 5 would limit building heights to C. 18 metres.

Given that any detailed design scheme submitted within a Reserved Matters application would be tested against Local Plan and NPPF design policies and could be refused if the height/ scale was excessive or the built form and appearance was not of an acceptable design quality, it is considered that the proposed parameter plans provide sufficient controls in design terms at the outline stage.

Design Code

The submitted design code establishes a series of design principles which will guide development across all the plots. These include the following.

- The development of the plots will be integrated with Meadowhall and strong connections will be established between the plots and the surrounding area.
- The scale and massing will be considered in the context of long-distance views and will relate to the movement networks and arrival points. It will make the site more legible by framing key views and focal points and it will create interest through changes in scale and massing.
- The building design will respond to the industrial heritage and landscape character of the area. Visual interest will be created via attractive detailing, high quality materials, depth and shadow lines and variation in form. Visually prominent corners will be marked to create legibility and building facades will be ordered with design establishing a clear top, middle and bottom to the building.
- Building frontages will be sited to relate to the street and maximise the sense of enclosure, glazing will be optimised at the ground floor where it fronts key movement routes or areas of public realm, entrances will be clearly defined, and inclusive design will be incorporated.
- The roofscape will respond to key views and landmarks, help to minimise the impact of larger buildings, where feasible contribute to energy efficiency and incorporate green and brown roofs.
- The design will encourage walking, cycling and the use of public transport and accessible movement.
- Multi-storey car parks will be well integrated and designed not to have a detrimental visual impact with green walls, planting and translucent materials, charging facilities will be provided and sufficient infrastructure for

future proofing. Surface car parking will integrate bio-diverse planting and cycle and disabled parking will be accommodated.

- In terms of landscaping the scheme will incorporate a network of green spaces increasing biodiversity and will incorporate Suds schemes where feasible. It will retain and strengthen existing features of biodiversity value. The landscape strategy in the design and access statement shows enhanced structural street planting to the Meadowhall Way and Vulcan Road frontages of the site and potential new green spaces adjoining the TLH main zone extension.
- The design will deliver a net biodiversity gain.
- Public art will be integrated into the public spaces
- The development will utilise materials that are high quality, robust, durable, and in keeping with the character and context.
- The scheme will incorporate a series of sustainable design principles including improving energy efficiency, incorporating renewable energy where feasible.

Summary of design and landscaping

The previous leisure hall consent was a full permission for a detailed scheme, so the visual and landscape impacts were clear. In this case layout, design and landscaping are all reserved matters which will be subject to separate applications. However, the parameter plans, and design code have demonstrated to a reasonable level of satisfaction that the uses and floor space proposed for the individual plots can be adequately accommodated on the site. The reserved matters applications will be required to be submitted in accordance with the design code and the principles contained within this give confidence that the development is likely to deliver improvements to the townscape and visual amenity of the area. Given the inward facing character of the existing development, the fact that plot 5 is a currently a vacant prominent site and the positivity of the design code principles which the applicant has set out, it is considered that the proposed development is likely to result in significant design and townscape benefits from a relatively low baseline.

Air Quality

Policy:

The 2008 Ambient Air Quality Directive sets legally binding limits for concentrations in outdoor air of major air pollutants that affect public health such as particulate matter (PM₁₀ and PM_{2.5}) and nitrogen dioxide (NO₂). The UK Government's Environment Act 2021 requires the Government to set legally binding environmental targets for England in four priority areas including air quality, as well as an additional target on fine particulate matter (PM_{2.5}), as this is considered to be the air pollutant of greatest harm to human health. In March 2022 the Government published a consultation on what the targets should look like.

The UK currently has national emission reduction commitments for overall UK emissions of 5 damaging air pollutants:

- fine particulate matter (PM_{2.5})

- ammonia (NH₃)
- nitrogen oxides (NO_x)
- sulphur dioxide (SO₂)
- non-methane volatile organic compounds (NMVOCs)

Paragraph 186 of the NPPF says that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

Core Strategy Policy CS66 says action to protect air quality will be taken in all areas of the city. Further action to improve air quality will be taken across the built-up area, and particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets. Policy CS66 is consistent with the NPPF focusing on acting where air quality exceeds national targets, therefore the policy should be given significant weight.

Sheffield Air Quality Action Plan 2015 has been superseded by the Clean Air Strategy. Sheffield's Clean Air Strategy 2017 sets out the Council's vision and actions that will be taken to improve air quality. Key actions include a feasibility study into a Clean Air Zone, reducing emissions from the bus and taxi fleet, promoting sustainable travel. The Government has since mandated Sheffield to implement a Class C Clean Air Zone in order to reduce emission from vehicles except private vehicles with a defined area of the city.

The air quality assessment submitted in support of the application demonstrates, in the most realistic scenario, that the additional air emissions which would be generated by the development (primarily caused by additional traffic) would not lead to an exceedance of air quality limits. Whilst the proposed development will inevitably worsen air quality, appropriate mitigation is proposed and there is considered to be no reasonable basis to conclude that the air quality impacts of the development would be significantly adverse. Therefore, the proposal is consistent with the NPPF and Development Plan policies.

Air Quality Assessment:

The submitted air quality assessment considers the impacts of the development during both the construction and operational phase. The extent of the study area is based on guidance from various sources. For demolition and construction dust it is up to 350m from the site boundary and 50m from routes used by construction traffic. For ecological receptors it 50m from the site boundary and 50m from routes used by construction traffic. For construction traffic emissions it is sensitive receptors within 200m (ecological impacts) and 250m (human health impacts) of any roads where traffic flows exceed screening levels. For the operational phase the study area includes the site and sensitive receptors located within 200m (ecological impacts) and 250m (human health impacts) of the site boundary and within 250m of any roads where traffic flows exceed screening levels.

The pollutants of concern are small particles (PM₁₀ and PM_{2.5}) and nitrogen dioxide (NO₂). Generally, air pollutants in the UK are anticipated to decrease in the coming years. The original assessment has been carried out utilising 2022 emission factors and background concentrations combined with traffic data from 2030 (which includes full Development flows). However, following comments from the air quality officer an additional sensitivity analysis was undertaken using 2026 emission factors and background concentrations combined with traffic data from 2030. The Air Quality Officer has advised that this is a more realistic basis for assessing the air quality impacts than the original assessment. It is still conservative in the assumptions adopted as it assesses the maximum traffic generated but does not fully account for the predicted reductions in emission factors over the same time period. The Air Quality Officer has advised that this sensitivity assessment is the one that should be relied on for determining this application. The operational air quality impacts have been assessed using EPUK (Environmental Protection UK) and the IAQM (Institute of Air Quality Management) guidance 2017 which considers the change in air quality as a result of a development on existing receptors in combination with baseline concentrations at the receptors.

The application site is located within the Sheffield Air Quality Management Area (AQMA). There are 3 AQMAs within Rotherham close to the site. A number of exceedances of the annual mean NO₂ National Air Quality Objective (NAQO) have been measured at sites close to the application site in recent years. Measured annual mean concentrations of PM₁₀ and PM_{2.5} are well below the relevant annual mean NAQOs from 2015 to 2019 and no exceedances of the 24-hour mean PM₁₀ NAQO have been measured during this time period.

Sheffield and Rotherham are authorities identified in the Nation Air Quality Plan for NO₂ to produce a local action plan to improve air quality. Sheffield's preferred solution is a Clean Air Zone where certain vehicles are charged if they do not meet the emission standards. The charging zone would include the City Centre and Inner Ring Road, but this will be reviewed to assess the impact of Covid-19. Rotherham has plans for 4 locations which includes actions such as a speed limit restriction, improvements to bus fleets. It is considered that most of the changes are not close enough to the study area to significantly affect or be affected by the changes as proposed.

Modelling has been used to predict the existing (2019) baseline concentrations of NO₂, PM₁₀ and PM_{2.5} concentrations at each of the identified human receptors. The 'existing' baseline annual mean NO₂ concentrations exceed the annual mean NO₂ NAQO at ten of the 18 receptors. Modelled concentrations (when rounded by the nearest whole number) are not greater than 60 µg/m³ at any receptors and, therefore, it is unlikely that any receptor currently exceeds the 1-hour mean NO₂ NAQO. The modelled 'existing' baseline annual mean PM₁₀ and PM_{2.5} concentrations are well below the relevant annual mean NAQOs at all receptors. Furthermore, as modelled annual mean concentrations are below 32 µg/m³ at all receptors, it is unlikely that any receptor exceeds the 24-hour mean PM₁₀ NAQO.

Proposed Mitigation

The applicant proposes air quality impact mitigation during both the construction and operational phases of development. The construction phase mitigation includes environmental controls through a Construction Environmental Management Plan (CEMP) and a Construction Logistics Plan (CLP). Operational phase impact mitigation includes works to improve the operation of (and reduce congestion on) the Local and Strategic Highway Network (although the extent of these works is not known at this stage). The applicant also proposes to make a financial contribution of £75,000 to the Council to assist in the delivery of its Air Quality Action Plan.

Other operational mitigation measures comprised within the development scheme include sustainable travel measures designed to promote travel by foot, cycle and public transport, as opposed to the private car, as described more fully in the Traffic and Transportation section of this report. Such measures include travel planning measures, cycle and foot connectivity improvements, improvements to Tinsley South Tram Stop, a financial contribution to subsidise/ pump prime enhanced bus services to the site (details to be confirmed), provision of cycle parking, EV charging and public transport real time information display infrastructure within the site and smart parking measures including VMS signs.

Construction impacts:

During the demolition and construction period the development is anticipated to generate an annual average of 22 total Annual Average Daily Traffic (AADT) (19 Heavy Duty Vehicle AADT) over the entire demolition and construction, and 82 AADT (74 HDV AADT) during 2028 (the year when the highest volume of demolition / construction traffic is anticipated to be generated). Taking into account the temporary nature of construction impacts and the mitigation measures that will form part of the CEMP it is considered that there is no reasonable basis to conclude that air quality impacts from the construction phase of development will be significant adverse.

Operational impacts:

Annual mean concentrations of NO₂, PM₁₀ and PM_{2.5} at identified sensitive human receptors have been modelled for the future scenario (i.e. 2022 emissions factors and background concentrations and 2030 traffic data). These have been compared against the 'without development' scenario modelled concentrations which include background concentrations and emissions associated with existing and committed developments.

The 'with development' scenario modelled concentrations also include those generated by the Development and takes into account a number of anticipated mitigation measures. The modelling assumes the amount of development originally proposed within the development scheme (not the reduced revised scheme) and therefore represents a very conservative scenario.

Modelled annual mean concentrations for the future scenario (i.e. 2022 emissions factors and background concentrations and 2030 traffic data) of PM₁₀ and PM_{2.5} are well below the relevant annual mean NAQOs both with and without the Development at all receptors. The Development is not predicted to cause any exceedances of the NAQOs. The modelled changes in annual mean PM₁₀ and PM_{2.5} concentrations are assessed as being 'negligible' at all receptors.

Modelled future year annual mean concentrations of NO₂ are greater than the annual mean NO₂ NAQO at five of the 18 receptors (receptors 5, 6, 8, 9 and 10) both with and without the Development; i.e. the Development is not predicted to cause any further exceedances of the annual mean NO₂ NAQO.

The modelled changes in annual mean NO₂ concentrations (when rounded to the nearest whole number) are +2% at three receptors, +1% at six receptors and 0% at nine receptors. These impacts are assessed as being 'moderate adverse' at one receptor (receptor 8, representing six residences fronting onto Tinsley Roundabout), 'slight adverse' at five receptors (receptors 2, 11, 14, 15 and 16, representing an estimated 51 to 59 residences located adjacent to a section of Meadow Bank Road (A6109) close to Meadowhall Roundabout, adjacent to a section of Greasbro Road close to Tinsley Roundabout and a section of Bawtry Road (A631)) and 'negligible' at the remaining 12 receptors.

Overall, based on this analysis, the applicant concludes that whilst the air quality impacts will be adverse, they will not be significant. The impacts on designated ecological sites are considered in the ecological section of this report.

As stated above the sensitivity analysis based on 2026 emissions factors and background concentrations and 2030 traffic flows is considered to be more realistic and should be relied on. This sensitivity test finds that by 2026, modelled baseline annual mean NO₂ concentrations are below the relevant NAQO at all receptors, and that concentrations would fall further by 2030. It should also be noted that several of the sustainable travel mitigation measures are not accounted for in the modelled impacts and that the model also assumes a greater amount of development than is currently proposed.

The sensitivity analysis predicts that there would no exceedances of the annual mean AQO for NO₂ (of 40 µg/m³). The modelled changes in annual mean NO₂ concentrations (when rounded to the nearest whole number) are +2% at one receptor, +1% at six receptors and 0% at ten receptors. These impacts are assessed as being 'negligible' at all receptors because the background concentrations have reduced due to the use of different emission factors. This assessment is accepted.

Site Suitability (Exposure of Occupants to Poor Air Quality):

Annual mean concentrations of PM₁₀ and PM_{2.5} are not predicted to exceed the relevant annual mean NAQOs within the site. The maximum modelled annual mean concentration of NO₂ at any point within the modelled receptor grid (82.7 µg/m³) is greater than the annual mean NO₂ NAQO. As such, a contour plot has been produced showing modelled annual mean concentrations of NO₂ across the

Site and surrounding area for the 'future year'.

The Development includes the possible introduction of Class E creche or nursery space into Plot TLH and The Source. Any potential creche or nursery facilities would be sensitive to the annual mean NO₂ NAQO. Modelled annual mean NO₂ concentrations are greater than the NAQO at an area of The Source. Modelled annual mean NO₂ concentrations are greater than the NAQO at the extent of the Plot TLH fronting onto Meadowhall Way. Consequently, parts of both Plot TLH and The Source may not be suitable for creche/nursery facilities and, as such, the applicant has agreed to a planning condition which would prohibit the development of a crèche or nursery on either plot.

Although the impacts of road traffic emissions on human receptors are considered to be not significant the following additional measures are to be applied to further reduce emissions associated with road traffic.

- A Taxi Scheme (to encourage adoption of lower emission vehicles) will be implemented throughout the lifetime of the Development;
- The ECO Stars Fleet Recognition Scheme in respect of the security, management and maintenance of vehicles used on and around the Development will be implemented; and
- Electric Vehicle (EV) charging infrastructure within the car parking will be provided in accordance with SCC standards.

Cumulative Effects:

The cumulative effects of the development and other permitted developments have either been taken into account in the traffic data or are considered to not be significant.

Overall assessment of the Significance of Air Quality Impact:

The Council's Air Quality Officer has advised that he is satisfied with the methodology used to assess air quality. His view is that air quality effects of the proposed development on local population exposure will not be significant. As the proposed development is in an Air Quality Management Area (AQMA) and likely to be delivered in phases, whilst the prediction is that the impact of the traffic emissions on local air quality is unlikely to be significant during the operational phase, it is undoubtedly true that the development will worsen air quality primarily due to the additional traffic it will generate (albeit not to the extent that a significant adverse impact would result). It is therefore necessary to ensure that each phase of development which comes forward incorporates an appropriate scheme of mitigation measures, including the proposed measures to enhance the site's pedestrian, cycle and public transportation connectivity and to improve the operation of the local and strategic road network. The conditions set out at the end of this report will provide sufficient control to ensure that such schemes of mitigation are agreed for each phase of development.

Traffic and Transportation

Policy:

Paragraph 110 of the NPPF says “In assessing Sites that may be allocated for Development in plans, or specific applications for Development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

Paragraph 113 says “All Developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

Paragraph 104 says “Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.”

Paragraph 111 says “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.”

Core Strategy Policy CS7 is concerned with development at Meadowhall. In terms of the transport aspects of this policy it says that development around the Meadowhall Centre should be integrated with the existing development. It says that transport measures including travel plans will be employed to mitigate the transport impact of new development and to reduce adverse impacts on air quality. These will include:

- improved public transport services for workers and visitors, including new bus rapid transit
- connections with the proposed park-and-ride site at Waverley
- restrictions on long-stay car parking, other than to serve park-and-ride services to the City Centre, and on other private non-residential parking levels
- the creation of a car club
- provision of the M1 Junction 34 Relief Road (Halfpenny Link).

Policy CS 51 sets out the Transport Priorities which are:

- promoting choice by developing alternatives to the car
- maximising accessibility
- containing congestion levels
- improving air quality e. improving road safety
- supporting economic objectives through demand management measures and sustainable travel initiatives.

Policy CS52 identifies a key route network where through traffic and strategic traffic movements will be concentrated. It identified key routes that will receive integrated 'whole-route' treatment of congestion and quality bus corridors. The A6109 City Centre - M1 J34 North and A6178 City Centre - M1 J34 South are both identified as key routes for strategic traffic and strategic freight routes along with being congestion target routes and priorities for public transport investment.

Policy CS53 is concerned with management of travel demand which will be managed to meet the different needs of particular areas. It says this will be done through:

- promoting good quality public transport and routes for walking and cycling to broaden the choice of modes of travel;
- making best use of existing road capacity through the use of variable-message signing and Intelligent Transport Systems;
- implementing Travel Plans for new developments to maximise the use of sustainable forms of travel and mitigate the negative impacts of transport, particularly congestion and vehicle emissions;
- active promotion of more efficient and sustainable use of vehicles through car clubs, car sharing to increase vehicle occupancy and incentives for using alternatively fuelled vehicles. These will be associated with new residential and commercial developments and particularly in the City Centre;
- creating Controlled Parking Zones to manage traffic levels in constrained locations and encourage the use of more sustainable modes of travel, with priority to include the eastern end of the Lower Don Valley.
- applying maximum parking standards for all new developments to manage the provision of private parking spaces.

Many of the transport policies in the Unitary Development Plan have been superseded by the Core Strategy. However, policies T8 and T10 say that pedestrian and cycle routes will be improved. New development will be required to provide links with existing and proposed pedestrian and cycle routes. Cycle

parking will also be expected in new developments.

Policy T16 says that controls and parking and access roads will be used to regulate private traffic and reduce congestion where demand for trips by car exceeds the capacity of the Strategic Road network.

Policy T21 says that provision will be made for car parking where it meets the operational needs for businesses or is essential for the viability of a new development, provided it complies with the car parking guidelines. It also says that parking will be regulated to prevent excessive peak hour congestion.

Policy T28 says that new development which will generate high levels of travel will be permitted only where it can be adequately served by existing infrastructure or improvements to infrastructure linked to the development. It says that development will be promoted where it is best served by public transport and where it is located to reduce the need to travel. Where transport improvements are required, they will normally be provided before any part of the development is occupied.

The development plan access policies are generally consistent with the NPPF and therefore should be given significant weight, except policies T8 and T10 where the priorities identified are superseded by Core Strategy policies so they should be given moderate weight, and T21 where the NPPF focus shifts to more sustainable access and therefore this should be given some weight.

The development will be a high travel generator and is in a highly accessible location where it is well served by sustainable travel modes. The development will promote public transport, walking and cycling whilst regulating parking levels. The transport assessment shows that the impacts on the highway network can be adequately mitigated and the cumulative impacts on the road network will not be severe. Therefore, it is concluded that the proposal accords with NPPF and Development Plan policies.

Transport Assessment:

The Transport Assessment (as updated by the Transport Assessment Addendum submitted to support the revised scheme) has been based upon a worst-case test, in terms of transport impacts. As the amended scheme is in outline form and the precise phasing of the development scheme is not yet known, the transport mitigation for each phase will need to be identified as part of the Reserved Matters Applications as they come forward. The potential Innovation Corridor and the precise scale and type of development, delivery timescale and phasing of the nearby River Don District development may change the nature and phasing of the transport mitigation which is required as part of the Meadowhall development.

The application is seeking consent for a maximum 7,101 car parking spaces across the scheme for a temporary period, reducing to 6,837 once the scheme is fully built out. The aspiration is that there will be no uplift from the existing number of parking spaces within the development area (6,837). In the short term, however, there may be the need to go above the threshold to approximately 7,101

spaces, if Plot 5 is developed first and until Plot TLH is delivered. Cycle parking will be provided in line with the Council's standards on each phase of development to be determined at reserved matters stage. The proportion of electric charging points will accord with the Council's standards.

A model was developed for the previous scheme which provides estimates of person trips for each of the proposed uses for each hour of the day. It provides estimates for a weekday and for a Saturday. This has been used to estimate additional vehicle trips as a result of the scheme during the evening peak (1700-1800) and the Saturday peak (12.00-13.00).

Vehicular Trips:

The current proposal differs from the consented scheme in that, although a similar maximum quantum of commercial floorspace is proposed, this will be distributed differently, with the retail element now to be comprised within the Plot 5 retail park rather than the main extension and the change of use of The Source is also now comprised within the development scheme.

As the application has some flexibility in the floor areas of each land use it has been agreed that the assessment of the impact on the highway would be based on a reasonable worst-case scenario as this will ensure that a robust assessment is undertaken. The following table provides details of the estimated worst case vehicular trips generated by the current proposal and also compares this to the previously consent development. This table does not take account of the fact that the new uses within The Source will be displacing an existing educational use, which will have some level of traffic generation in of itself (although this is likely to be relatively low given The Source Academy's linkage and synergy in terms of acting as a training academy for the Meadowhall workforce).

Comparison of Traffic Impact of current Proposal v.s. Previous Consent						
	Weekday PM (17:00-18:00)			Saturday (12:00-13:00)		
Scheme	Arriving	Dep	Total	Arriving	Dep	Total
Modelled Trip Generation for 16/04169/FUL Scheme	148	176	324	249	227	476
Modelled Trip Generation for Proposed 20/03766/OUT	126	206	332	246	243	489
Difference between current proposal and previously approved scheme	-22	+30	+8	-3	+16	+13
%Change between current proposal and previously approved scheme	-15%	+17%	+2%	-1%	+7%	+3%

It can be seen from the table above that the current proposal results in a slight increase in estimated vehicular movements when compared to the previously consented scheme. The difference partly relates to the differing format of the proposed development, with the anticipated modal split for visitors to the proposed Plot 5 retail park being different to the modal split for the previously consented larger Meadowhall extension i.e. visitors to out-of-centre large format retail parks are significantly less likely to travel by foot, cycle or public transport than visitors to a shopping centre and leisure destination

Traffic Impact Assessment

An operational assessment of the highway network has been undertaken as part of the Transport Assessment. The highway network was assessed using the AIMSUN microsimulation model including assessment of the following individual junctions:

- a. M1 J34 North
- b. M1 J34 South
- c. Vulcan Road – Meadowhall Road
- d. Vulcan Road – Sheffield Road
- e. Alsing Road Gyratory
- f. Meadowhall Road – Jenkin Road
- g. Orange Car Park – Meadowhall Way
- h. Weedon Street – Meadowhall Road
- i. Meadowhall Road - Barrow Road
- j. Blackburn Meadows Way (Tinsley Link)
- k. Yellow Car Park – Meadowhall Way
- l. Red Car Park – Meadowhall Way – Plot 5 Car Park

The modelling indicated, as would perhaps be expected, that the majority of links show a decrease when compared with the previously consented development. There were some very minor increases on a number of links, but it is accepted that these increases are well within the normal variation in flows. The level of traffic

generated by the previous Meadowhall extension consent was determined to be acceptable, subject to mitigation. It is therefore concluded that the current proposal will not have an adverse impact on the operation of the wider highway network.

Nonetheless the assessment indicates that there could be an increase in the number of vehicles at some of specific junctions immediately adjacent to the development site. As a result, further local junction modelling has been undertaken to assess whether such increases would cause operational issues. This modelling was based upon the amount of development originally proposed rather than the revised (reduced) scheme and therefore represents a very conservative scenario. The key outcomes of the modelling were:

- Vulcan Road / Meadowhall Way – the modelling indicated that the junction operates within capacity under all scenarios.
- Vulcan Road / Sheffield Road – the modelling indicated that the junction will operate with a practical reserve capacity of 17%.
- Orange Car Park – the modelling indicated that the junction will operate with a practical reserve capacity of 42%.
- Red Car Park / Meadowhall Way / Plot 5 – the modelling results indicated that the junction will operate with a practical reserve capacity of 37% for the weekday peak and a practical reserve capacity of 4% for the Saturday peak.
- Yellow Car Park– the modelling indicated that the junction will operate with a practical reserve capacity of 17% during the Saturday peak.

The result of the modelling (AIMSUN and individual junctions) show that the current proposal can be adequately accommodated with no detriment to the operation of the highway network. However, it should be noted that National Highways have advised that:

“The AIMSUN model] is not considered to be an approved model by National Highways and is not considered to be fully validated at M1 JN34. As such through this and other applications it has been used to understand change of flows but is not accepted as an impact tool and an assessment tool for mitigation. For the model to be accepted it is likely to require a full update with current flows with a full revalidation before any future year scenarios can be tested.”

Consequently, although it is broadly accepted that the applicant has demonstrated that the proposed development is capable of being safely accommodated on the local and strategic highway network with mitigation, the precise junction impacts modelled by the applicant within their Transport Assessment and Transport Assessment Addendum are not accepted. To address this issue it is proposed to impose a planning condition which requires a traffic model to be agreed with the Council and National Highways prior to any development commencing, together with a Traffic Model Report which sets out:

- I. an assessment of the anticipated traffic impacts of the development as a whole, on the operation of the highway network (based upon the approved model).
- II. an assessment of whether the anticipated traffic impacts of the development as a whole will reach a level sufficient to require the Strategic Road

- Network (SRN) Mitigation Works and/ or the Local Highway Network (LHN) Mitigation Works (or part of those works);
- III.(where relevant) an assessment of the number of trips through each relevant junction generated by the development hereby permitted which would trigger the need for the SRN Mitigation Works and/ or the LHN Mitigation Works (or part of those works) (the 'Trip Thresholds').

It would then be required for a Transport Statement to be submitted to support the Reserved Matters applications for each phase of development which sets out:

- IV.an assessment of the projected number of trips it is anticipated will be generated by the part or phase of development covered by the Transport Statement;
- V.an assessment of whether the number of trips generated by the part or phase of development covered by the Transport Statement, together with the number of trips it is anticipated will be generated by any previous parts or phases of development which have already received reserved matters approval, will cumulatively exceed any of the Trip Thresholds, and;
- VI.(where any Trip Threshold is exceeded) full details of the SRN Mitigation Works and/ or LHN Mitigation Works which will be delivered as part of the relevant part or phase of development.

At this stage the applicant has not committed to a specific set of local and strategic highway mitigation works. The precise scope of works will depend upon the phasing of the development and the outcome of the traffic model (once agreed with National Highways). However, the applicant has indicated that, if required, these works may include the following improvements which were previously agreed as part of the previously consented development scheme ref. 16/04169/FUL:

Potential Strategic Road Network (SRN) mitigation works:

- I. Drawing ref. 47826/1005/12 - M1 Junction 34 North Junction Improvements;
- II. ii) Drawing ref. 33909-5515-019 REV C – M1 Junction 34 North Slip Road Improvements;
- III. iii) Drawing ref. 47826/1005/16 - M1 Junction 34 South Improvements Plan.

Potential Local Highway Network (LHN) mitigation works:

- IV. i) Sheffield Road / Vulcan Road signalised roundabout improvement (Stantec Drawing 47826-1005-14);
- V. ii) Widening of Sheffield Road between Vulcan Road and M1 Junction 34 (south) (Stantec Drawing 47826-1005-15);
- VI. iii) Alsing Road Gyratory – (Stantec Drawing 47826-1005-13).

Any approved traffic model would also need to consider the potential additional traffic generated by other committed development including the River Don District development originally approved under outline planning permission ref. 18/03796/OUT.

National Highways have advised of their position that, irrespective of the outcome of the future modelling exercise, they consider that the previously agreed works to Junction 34 North and South are required to mitigate the impact of the Meadowhall

and River Don District applications both individually and cumulatively. However National Highways have indicated that they accept the proposed 'monitor and manage' approach to delivering the required highway mitigation and have now withdrawn their previous holding objection and advised that the development is acceptable to them subject to conditions.

Relevant planning conditions which National Highways advise are required to make the application acceptable in terms of its impact upon the strategic road network are:

- Condition 8 (Requirement for an Updated Traffic Model and TMR)
- Condition 9 (Requirement for a Transport Statement [TS] to be provided for each phase of the development)
- Condition 36 (Travel Plan)
- Condition 38 (Car Park Management Plan)
- Condition 52 (Total Floorspace and Development Specification Update)
- Condition 53 (Individual floorspaces and Development Specification Update)

It is considered that the proposed planning conditions set out at the beginning of this report provide sufficient protection to ensure that the development could not go ahead until a traffic model has been agreed which is acceptable to both the Council and National Highways and that the applicant agrees to a specific scheme of mitigation works for each phase of development which appropriately mitigates the impact of the development on the strategic and local highway network. Subject to these conditions and given the outline nature of the application and consequent uncertainty about the scale of development which will ultimately come forward and the phasing of that development, it is not considered that there is any reason to refuse planning permission in relation to the potential cumulative impact of the development on the highway network.

Car Parking:

There are currently 9,364 permanent visitor car parking spaces at Meadowhall Shopping Centre within the various car parks. In addition to the visitor parking there are 1,143 staff car parking spaces, 262 contractor parking spaces and 33 coach parking spaces. The application site currently has 6,837 permanent parking spaces within the current red line boundary, including 177 Blue Badge and 105 parent and child spaces. Meadowhall offers over 50 free to charge, electric vehicle charging points situated within the Orange and green car parks; these comprise of a mixture of rapid and fast charging.

The current application seeks to maintain the current number of parking spaces within the site, with an allowance for some temporary increase to allow for the practicalities of building the site out in phases. The parking spaces which would be lost due to the Meadowhall extension on Plot TLH would be compensated through a new multi-storey car park within the TLH boundary. There would be no allowance for the additional parking demands of the proposed development.

The parking proposals are supported by a significant amount of data related to existing travel patterns and parking demand. It can be seen from Automatic

Number Plate Recognition data that the car parking accumulation for visitor parking does not generally exceed capacity. This is supported by the fact that the overspill parking is only used in the order of twice each year.

It is suggested that now the existing car parking facilities are not particularly efficiently utilised. It is therefore proposed that improvements will be provided to the existing Variable Message Signing both internally and on the highway, “smart” internal car parking arrangements will be implemented. The proposal also includes the adoption of a Controlled Parking Zone to ensure that the potential for any off-site parking is prevented. The Controlled Parking Zone will be implemented if pre and post development parking surveys show it to be necessary (with the extents of the zone also determined by the survey data).

Cycling and Walking:

The key cycle routes which directly pass Meadowhall are as follows:

- National Cycle Route (NCR) 6: Sheffield City Centre – Newhall – Carbrook – Meadowhall – Rotherham
- NCR 67: South-East Sheffield – Tinsley – Meadowhall – Ecclesfield – Parson Cross – High Green
- Carlisle Street East – Holywell Road – Tyler Street (alternative on-road option to off road NCR6 for connecting to the city centre); and
- The Tinsley Link.

There is a comprehensive network of footways and shared use paths, which enable access into the Site from a range of locations including the Meadowhall South-Tinsley tram stop, bus stops on Meadowhall Road and Meadowhall Way and Meadowhall Passenger Transport Interchange (Meadowhall PTI). The roads and adjacent footways are generally well lit and considered safe for pedestrians.

In order to encourage active travel measures, which are not only a benefit in terms of reducing the reliance on private car journeys but also physical health, the proposal includes a number of improvements. These are:

Plot TLH

- Proposed shared footway/cycleway through car park
- Simplified pedestrian signalised crossings and improved pedestrian facilities between the plots and linking to Tinsley South Tram Stop.
- Secure, covered cycle parking and accompanying facilities such as showers, changing rooms and lockers.
- Cycle parking will be provided in line with SCC minimum standards on each of the Development plots. The exact number of spaces to be provided is to be determined at reserved matters stages for each of the plots.

Plot 5

- Improved cycling facilities on Sheffield Road adjacent to Plot 5 to the north and south of the plot to join with Meadowhall Way with enhanced crossing facilities, cycle routes, signage and markings.
- Secure, covered cycle parking and accompanying facilities such as

showers, changing rooms and lockers.

The Source

- Secure, covered cycle parking and accompanying facilities such as showers, changing rooms and lockers.

The proposed measures will provide a benefit by encouraging active travel to the site.

Public Transport:

Meadowhall is well served by public transport walking and cycling routes. The passenger transport interchange is approximately a 15-minute walk from the site and linked to the centre by a covered bridge. It is served by Supertram, bus, bus rapid transit and national rail. During an average weekday, over 500 services stop at the interchange.

Tinsley South Tram Stop is served by Supertram services, Tram-Train and bus services, including the new X1 service. The X1 service links Rotherham, Meadowhall and Sheffield and operates on a 10-minute frequency. The tram train connects Sheffield and Rotherham centres and there are 3 services an hour in each direction.

The transport assessment previously concluded that the public transport network can accommodate the uplift in trips associated with the scheme, but evening services will need to be improved so that visitors and staff are able to easily travel by public transport. However, the updated Transport Assessment Addendum advised that, with the reduced quantum of development now proposed, the applicant no longer considered it necessary to provide for improved public transportation services. Following negotiation, this position has now been reversed and the applicant has indicated that they are still willing to make a financial contribution towards improving public transportation services to and from the site.

It is accepted that the site is very well served by several public transport options of bus, rail, Supertram and Tram Train. However, it is important to assess whether existing services can accommodate the likely increase in patronage created by both staff and visitors and whether the services are going to the locations required at the times required. The precise extent of the required public transportation service improvements is not known at the time of writing this report and is awaiting input from the South Yorkshire Mayoral Combined Authority (SYMCA).

Nonetheless it is clear that bus service improvements will be required to make the site suitably accessible by bus at the times when visitors are likely to frequent the proposed expanded leisure and food & beverage offer – as was secured previously under consent ref. 16/04169/FUL with a £948,480 S106 bus service improvement contribution. The applicant has agreed in principle to making a financial contribution to subsidise such service improvements subject to the final agreement of the precise services to be improved and the amount of contribution with the Council and SYMCA. The delay to arriving at a precise specification for service improvements is partly due to some current flux in bus service provision as demand levels settle to a new normal post-pandemic.

A Framework Travel Plan has been submitted which sets out specific targets to reduce the proportion of journeys made by car; this applies to both staff and visitor trips. It also includes a detailed Action Plan to allow these targets to be achieved and a comprehensive monitoring and review strategy. Details of the appointment of a site wide travel plan co-ordinator will be agreed as part of the first reserved matters application whilst details of travel plan co-ordinators for each plot will be agreed at the time of the relevant reserved matters application for each respective plot.

A Framework Car Parking Management Plan (CPMP) has also been submitted which also includes a monitoring strategy to ensure that the car parks are managed in an effective way. This will be further facilitated through the provision of enhanced, effective Variable Message Signage (VMS) and the potential introduction of a Controlled Parking Zone. Additionally, a Construction Logistics Plan (CLP) has been submitted to help reduce impacts during the construction period and sets out the principles that will be developed into a final CLP upon appointment of the contractor.

Summary and conclusion on traffic and transportation issues:

Should the full development be implemented, and the full range of highway improvements be carried out it is considered that there will be an overall benefit to the operation of the network across Sheffield as whole with the development and traffic mitigation measures in place. The network would be able to accommodate increased flows with reduced delays. Making the network slightly less congested with the development in place means that the applicant would be mitigating over and above what is required for their development thereby reducing the congestion in future years that would have resulted from already committed development. However, as the highway improvements to be carried out are to be determined at the time of each reserved matters application and it is not clear what form the final development will take this benefit cannot be guaranteed. What can be confirmed however is that the necessary highway improvements will be undertaken to ensure that each phase of development does not result in significant detriment to the operation of the highway network.

There is greater certainty in relation to the active travel and public transport improvements which will be provided through the development scheme; however, the phasing of delivery and the extent of public transport service improvements is also unknown at this stage. It is considered that the controls set out in the proposed planning conditions and planning obligations will be sufficient to ensure that this site is well connected to the shopping centre and well served by sustainable travel modes before it becomes a major leisure attraction. Although the sustainable walking/cycling and public transport measures are to be designed to ensure the development takes a sustainable approach to transportation issues they will deliver benefits in terms of the overall connectivity of the Meadowhall site rather than just mitigating impacts. Therefore, it is considered that there will be an overall benefit to sustainable access even if the full scheme is not implemented.

The Meadowhall area is already highly accessible by sustainable means and is an appropriate location for a high travel generating development such as this. The transport assessment also shows that parking levels proposed can adequately serve the development proposed.

Innovation Corridor Link Road:

A business case is being prepared for an innovation corridor link road to reduce congestion and improve connectivity between Sheffield and Rotherham in order to maximise the potential for growth of the Advanced Manufacturing Innovation District. If supported this will see a link road provided on the former railway embankment which forms the southern boundary of the site. There may be a road connection between the link and Meadowhall Way across the corner of Plot 5. Whilst funding has not been secured for this road it is important that new development does not prejudice its potential delivery given the wider benefits that will arise from its provision. A condition has been agreed with the applicant which prevents development on the relevant part of Plot 5 which is potentially needed for the road link until 23 July 2023, by which time it will be clear whether the link road funding is approved.

Employment and Economic Benefits

Policy:

Economic development is one of the three overarching objectives of the planning system (see paragraphs 8 and 9 of the NPPF). In addition to the social and environmental objectives, Sustainable Development includes the objective of helping to build a strong, responsive and competitive economy by ensuring the right types of land are available in the right places and at the right time to support growth, innovation and improved productivity.

Paragraph 81 says that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The Sheffield Development Framework Core Strategy sets out a vision and series of objectives. Vision part 1 is of a city that will be economically prosperous and attractive to business and new investment and will sustain employment for all who seek it. The objectives to achieve this economic transformation include

- Conditions created for a balanced, diverse and sustainable high-growth economy in the Sheffield city region.
- Cultural and leisure facilities and tourism expanded and improved.

Policy CS 5 promotes the Lower Don Valley for manufacturing, distribution, warehousing and non-office businesses. Policy CS7 says that around the Meadowhall centre, the predominant uses will be for employment, including office development, and non-office business uses.

In relation to employment issues policies CS 5 and CS 7 are considered to be consistent with the NPPF and should be given significant weight.

The development proposals are consistent with the NPPF in they will deliver significant economic development and employment.

Economic impact assessment

The applicant has submitted a Socio-Economic assessment to consider the likely significance of socio-economic effects arising from the development. It should be noted that this is a complex assessment that makes assumptions to determine the likely impacts. There is a significant degree of uncertainty as to what quantum development will take place on the site given the degree of flexibility allowed for by the planning application. The potential occupiers of the development and hence the number of employees is unknown, and estimates have therefore been made.

The assessment takes into account the displacement of existing businesses. The net employment estimates take into account jobs that will be taken up by people living outside the local area, jobs taken up by people who work in similar positions in the area, indirect jobs created in the supply chains of new jobs and businesses in the Development, and induced jobs created by the spending of people in these new jobs. It is estimated that The Source currently accommodates 85 employees.

The application site is located in the Darnall Ward where the resident population experiences a higher unemployment rate, a lower level of education qualifications and they are in lower skilled employment than the rest of the city. Much of the surrounding area and the east side of the city lies within the 10% most deprived areas as defined by the Government's Indices of Multiple Deprivation (2019).

Additional Employment:

The assessment estimates that there would be monthly average of 310 Full Time Equivalent (FTE) construction jobs during the 7-year construction programme. This is based on the applicant's best assessment of what form the development is likely to take and the development costs of developing each plot. The construction employment could be higher or lower than the estimates depending on what form the development takes. There would be some additional benefits through the construction supply chain and construction worker spending, but it is not possible to quantify these.

For the completed development the assessment estimates that operational net additional jobs arising from the Development would total 725 to 850 for the local area (ward), 630 to 735 jobs for the local authority area and 140 to 160 jobs for the regional area.

Additional Spending:

The development would also generate economic benefits for the local economy through indirect spending arising from new employees.

The applicant estimates that in the local area (ward), local authority area and region the development would generate an annual additional spend of £1.7 to £1.9

million annually in the local area, £1.5 to £1.7 million annually in the local authority area and £330,000 to £370,000 in the region.

The Town Centre section of this report describes the impact on existing centres in terms of predicted trade loss.

Employment and Training Strategy:

The application is supported by an Education Employment and Training Strategy which covers both the construction and operational phases of the development. The vision is that throughout the construction and operational phases of development, local people have access to jobs, training opportunities, traineeships and apprenticeships, and employers can access a suitably qualified, skilled and experienced workforce. Local businesses will also have access to supply chain opportunities, and contractors and occupiers will have access to appropriate local suppliers. The Strategy also aims to engage local school children, raising student aspirations and attainment.

The strategy includes setting up a steering group which will include the Council, British Land, and contractors to oversee the delivery of the strategy. Recruitment will be advertised locally, and local people will be supported to complete the application process. The team will work with contractors to deliver training and including apprenticeships. Contractors will be obliged to push the requirements of the strategy through their supply chains. Work will be undertaken with local schools to raise aims and aspirations to future employment.

The Council's Investment Support Manager has worked with the applicant to develop the employment and training strategy and is satisfied with the submission. Conditions are proposed which will require detailed implementation plans (which will include specific targets) to be submitted with each phase of development to secure the employment and training initiatives set out in the strategy

In addition to the above the applicant is also committing £100,000 to a Work Ready Programme which will be secured by a S106 agreement. This was a commitment also made in connection with the previous leisure hall consent.

It will comprise of pre-employability support for young people not in education, employment or training and those aged 25+; a pre-apprenticeship training programme specifically directed to the construction industry; and capacity building comprising of assistance for Small and Medium size Enterprises to achieve accreditation to allow them to tender for contracts. They will apply across Sheffield and the Sheffield City Region but with priority to Darnall, Tinsley and Wincobank areas. The programme will be administered by the City Council Employment and Skills service.

There can be no guarantees about the numbers of local people who will secure employment as such a requirement would make a planning condition unreasonable and unenforceable. It should also be noted that the applicant will only have control of the construction process as the operational employment will arise from individual businesses that are outside the applicant's control. Therefore, this introduces an additional level of uncertainty about the effectiveness of the local employment

strategy in respect of the operational employment and consequently this should be taken into account when deciding what weight to give to the predicted permanent operational employment.

The applicant has estimated that if the scheme is developed out to its maximum parameters Gross Value Added in the City, and the wider City Region, could be up to £71.5m per annum.

Local Finance considerations:

The scheme will generate additional business rates under the “devolution deal” for Sheffield City Region, the combined authority will be able to retain 100% of any additional business rates growth beyond expected forecast. This will be available for spending on local services, infrastructure and measures under the devolution deals.

The scale and nature of the development will attract a Community Infrastructure Levy, which could be up to £430,860 (subject to indexation) and the final form of the development.

The planning practice guidance says that local planning authorities must have regard to a local finance consideration as far as it is material. This could include a payment for the Community Infrastructure Levy. It says that whether a ‘local finance consideration’ is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.

In this case it is concluded that these local financial benefits are not material to the decision.

Employment and Economic Benefits Conclusion:

The new employment opportunities/increased spending benefits are uncertain because the quantum of development and potential occupiers is uncertain. However, it is clear from the range of options that have been assessed that these benefits will be significant particularly as some of them will arise in the local area which is one of the more deprived parts of the city. The Local Employment Strategy will assist in helping to maximise these benefits to the local area. The planning policy referred to above dictates that these benefits should be given significant weight.

Human Health

Policy:

Paragraph 8 of the NPPF states that one of the three objectives of sustainable development is a social objective which includes supporting healthy communities.

Paragraph 105 of the NPPF says the planning system should actively manage

patterns of growth in support sustainable transport. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health.

Paragraph 185 of the NPPF says planning policies and 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 or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum, the potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The Core Strategy identified a number of challenges to support the regeneration of the city. Challenge 6 is promoting health and well-being for all. The challenge being to design environments that promote safety, health and a sense of well-being for all. The Sheffield Development Framework identifies a series of objectives which align with the challenges identified. In terms of challenge 6 objective S6.1 says:

“A healthier environment, which includes space for physical activity and informal recreation and does not subject people to unacceptable levels of pollution, noise or disturbance”.

There are objectives to support sustainable transport which will help to mitigate the impacts on health of transport and congestion. There is also an objective to improve air quality in order to support healthy communities.

These objectives are reflected in the spatial policies such as CS45 which is concerned with safeguarding and improving open space; CS51, CS54, CS55 and CS56 which are concerned with reducing congestion and promoting sustainable travel. Also, policy CS66 which is concerned with action to improve air quality.

The transport and air quality Development Plan policies referred to above which will have an indirect effect on health are consistent with the NPPF and so should be given significant weight. The development complies with these policies as it provides options for sustainable access and promotes sustainable access improvements and will not result in further exceedances of the air quality limit values as assessed in the air quality section. It is also consistent with the NPPF for the same reasons

Assessment of Health impacts:

Part of the Environmental Statement (ES) considers the health impacts of the development. Where other parts of the application submission identify potential indirect effects on human health these have been qualitatively assessed to determine whether adverse effects might be expected.

Publicly available information and information in the application has been analysed

to establish the baseline health conditions. The available baseline data and projections on health presented in the baseline largely predate the Covid-19 crisis. The future baseline is 2030 when the project will be complete.

Overall, most health indicators for The City of Sheffield residents were worse than the national average but better than the regional average. The life expectancy of men and women in The City of Sheffield is lower than across the nation. The life expectancy in the Darnall Ward is lower than across Sheffield as a whole.

The Government's Indices of Multiple Deprivation (2019) measures deprivation by combining indicators including a range of social, economic and housing factors to give a single deprivation score for each small area across England. The Site and surrounding area fall within the top 10% and 20% most deprived neighbourhoods in England. This area of deprivation is part of a wider concentration of deprivation to the east of The City of Sheffield.

Based on the baseline profile and Local Authority policy and strategic documents, the following have been identified as key health priorities for consideration:

- Improving air quality (reflecting on higher rates of respiratory disease reported across The City of Sheffield);
- Reduction in health inequalities (reflecting the differences in life expectancies across The City of Sheffield);
- Road safety and healthy roads (reflecting upon the higher Killed and Seriously Injured rates across The City of Sheffield compared to the region and nation) and;
- Sustainable use of natural resources (including air and water pollution, noise and contamination) to minimise environmental impacts and contribution to climate change.

Being in employment can be a significant contributing factor to improved health; people living on a low income being more likely to experience worse health and be less physically active. The Darnall ward has a lower economic activity rate than Sheffield, the region, and the nation.

The loss of biodiversity may lead to direct effects on human health where ecosystem services (such as availability of fresh water, food, and fuel services) are no longer adequate to meet social needs. Provision of open space to support biodiversity also results in direct benefits to human health including physical and mental health. A detailed baseline assessment of biodiversity is set out in the Biodiversity section of the ES.

Poor air quality is associated with negative health outcomes such as chronic lung disease, heart conditions and asthma, particularly among children. The application site and the eastern part of the city lies within an Air Quality Management area. The Air Quality section of this report assess the air quality impact.

Traffic or transport may have beneficial or adverse effects on health. Planning and development may improve or reduce access to services, including health services, and to employment. It may provide or remove access to public transport, walking

and cycling routes that support active lifestyles. Increased traffic can result in fear and intimidation to pedestrians and cyclists and discourage walking and cycling. It can also potentially have an adverse effect on safety. The baseline traffic and transportation conditions are assessed in the traffic and transportation section of this report.

Development can disturb contamination which has the potential to impact on health. The Ground Conditions section of the ES considers the land contamination issues.

Pollution of water resources and flood risk can have an adverse impact on health. These issues are considered in the Flooding and Water Quality sections of this report.

Noise and vibration can have health impacts particularly in places where people live or work close to sources of noise and vibrations. Excessive noise and vibrations may lead to mental health issues, stress-related illness and disturbances in sleep. This issue is considered in the noise section of this report.

Construction Effects on Health:

Taking into account: (a) the nature of the site and project and (b) the measures in the Construction Environmental Management Plan (CEMP) and Construction Logistics Plan (CLP); it is considered that the potential effects on air quality, of construction works, construction traffic, ground works, noise, the biodiversity and the water/flooding impacts are unlikely to have a significant impact on human health.

The potential creation of 310 full time equivalent jobs on average over the 7-year construction programme is likely to have positive effects on human health but these are unlikely to be significant. Overall therefore, subject to the implementation of appropriate and effective environmental and traffic controls through the CEMP and CLP it is considered that the effects of the construction phase on human health should be neutral.

Operational Impacts on Health:

The socio-economic section of the report outlines the potential for employment creation by the development. The Education, Employment and Training Strategy will endeavour to ensure that local economic and employment benefits are maximised. Whilst this is likely to have a positive impact on health it is unlikely to be a significant effect.

The development will be required to deliver a biodiversity net gain, alongside various specific forms of ecological mitigation including the installation of an artificial otter holt, nest boxes and biodiverse roofs. The provision of green spaces within the development is likely to have a beneficial effect on human health.

The air quality assessment models the impacts of the development on nitrogen dioxide levels. In the sensitivity analysis the development is predicted to worsen

air quality, but it will not lead to exceedances of the National Air Quality Standards and the increases are assessed as being negligible. The sensitivity analysis is a conservative assessment. The predicted long-term and short-term concentrations of fine particulate matter (PM10 and PM2.5) will be below the relevant objectives across all locations, therefore, a negligible effect is identified. Whilst the air quality effects are likely to have a harmful impact on health, they are not likely to be significant or lead to any significant deterioration of measured current population health indicators within the Darnall Ward or wider District.

The traffic and transport impacts of increased traffic and delays, fear and intimidation are unlikely to be significant and are unlikely to have a significant adverse effect on health. Should all access mitigation be implemented the development should have an overall benefit to the operation of the highway network. Public transport and pedestrian improvements will have a beneficial impact on health, but this is unlikely to be significant.

As far as ground conditions are concerned the mitigation measures are likely to minimise increased exposure to pollutants and, as a result this aspect of the development will have a negligible effect on human health. Similarly it will be expected for the development to deliver Sustainable Urban Drainage Systems which have a neutral or beneficial impact in terms of water quality and flood risks.

Summary of health impacts:

The negative impacts on health are associated with construction traffic, dust and noise during the construction phase and the air quality and noise impacts of traffic during the operational phase. The health benefits associated with the construction and operations phases arise from economic development, employment, sustainable transport improvements and biodiversity enhancements. It is considered that both the negative and positive health impacts of the development are unlikely to have a significant impact on human health at either the local, ward, district or wider regional level. Consequently, and subject to the proposed mitigation measures being secured by appropriately worded planning conditions, it is considered that there is no reasonable basis to conclude that the development would result in any significant adverse or unacceptable impacts in relation to human health.

Ecology

Policy:

Paragraph 174 of the NPPF says that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other matters) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan) and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

UDP policy GE 10 is concerned with the Green Network. It says a network of

Green Corridors and Green Links will be:

- a) protected from development which would detract from their mainly green and open character, or which would cause serious ecological damage; and
- b) enhanced by encouraging development which increases their value for wildlife and recreation; and
- c) extended by creating new open space in area of Desired Green Links.

UDP policy GE13 is concerned with Areas of Natural History Interest and Local Nature Sites. It says that development which would damage Areas of Natural History Interest will normally not be permitted. Development affecting Local Nature Sites should, wherever possible, be sited and designed so as to protect and enhance the most important features of natural history interest.

Where development would decrease the nature conservation value of an Area of Natural History Interest or Local Nature Site, that decrease must be kept to a minimum and compensated for by creation or enhancement of wildlife habitats elsewhere within the site or local area.

Policy GE11 is not considered to be fully compliant with the NPPF as it is more restrictive than the NPPF which seeks to protect and enhance the sites of landscape or biodiversity value consistent with their identified quality whereas GE11 says they should be protected regardless. Policy GE13 is not fully compliant with the NPPF in that paragraph 174 d) refers to minimising impacts and providing net gains in biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures: Paragraph 175 says that plans should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure. Policy GE13 needs updating to reflect the NPPF changes. Given this, both these policies should be given moderate weight.

As the Green Network and Areas of Natural History Interest will be protected from harm the proposal is consistent with the Development Plan policies. As it will protect the areas of higher biodiversity value and deliver Biodiversity Net Gain it is also consistent with the NPPF policies.

Ecological Importance of the site and surroundings:

Much of the application site is covered by buildings, parking and servicing areas with some formal landscaping around the perimeter. This particularly applies to Plot TLH. Plot 5 is sparsely vegetated vacant land with grass embankments around the perimeter.

Plot 5 adjoins a disused railway embankment which is outside of the site but is a Local Wildlife Site (LWS). Local Wildlife Sites are the replacements for the Areas of Natural History Interest and Local Nature Sites referred to the policies above and are of local importance. It comprises of a 50-60m-wide strip of broad-leaved woodland and scrub, much of which is very densely vegetated with immature trees and scrub. It is part of a green corridor, linking the Sheffield & Tinsley Canal (also a LWS) with other sites in the Lower Don Valley. Plot TLH adjoins the River Don which is also a LWS with areas of natural vegetation adjoining the channel. The

LWS are of district (Sheffield) level importance.

An ecological assessment has been submitted in support of the application which involved consulting desk top information and carrying out various field surveys in 2020. The majority of habitats within the Site (hard-standing parking areas, modern/light-weight warehouses, roads, and amenity grassland) have negligible ecological value. The formal landscaping areas adjacent to the car parks and warehouses are assessed to have negligible intrinsic ecological value, although they may have potential to be used by nesting birds. Plot 5 has some value as an Open Mosaic Habitat (OMH), but it does not have enough variation or diversity to clearly meet all the criteria required to be an OMH of principle importance.

Within the Site the extent of nesting bird habitat is limited. The site is assessed as being of local value 3 birds of conservation concern and the LWS adjoining the site to be of local value for their bird assemblage. Parts of Plot 5 provide some foraging habitat, which is assessed to be of Site value. The habitats adjacent to the Site (Lower Don Valley - Disused Railway, Meadowhall LWS and the River Don) are assessed to be of Local Value for bats.

The suitability of the Site for other species including otter and water vole, which have been recorded from the River Don, and badger, reptiles have been considered. They are either considered to be absent from the Site and zone of influence (i.e. badger, reptiles, great crested newt), or present nearby but unlikely to be affected by the Development (i.e. otter and water vole).

Demolition and Construction mitigation:

Standard measures will be applied to protect retained habitats and to avoid harm to nesting birds during site clearance and these will be secured by the Construction Environmental Management Plan (CEMP). The CEMP will also include measures to protect the River Don LWS from pollution and damage during construction by temporarily fencing off this area.

The BNG assessment described below shows that the habitats lost within the site can be compensated for by the measures outlined below. Conditions are proposed to ensure that this is delivered and managed for a period of 30 years. Nest boxes will be provided for both kestrel (1 box) and house sparrow (10 boxes) around the site.

Operational Development mitigation:

New lighting within the Development will be designed in line with best practice to minimise additional lighting of retained habitat features suitable for bats. The detailed design of the site lighting, including provisions to avoid light spill onto the River Don and Disused railway embankment Local Wildlife Sites, will be reserved by planning condition. An artificial otter holt will be provided as part of enhancement for protected species in a suitable location along the River Don, the details of which will be confirmed in the CEMP.

Air Quality Impacts:

The critical level of Nitrogen oxides for grassland and woodland habitats is already exceeded in this location. The completed development will generate increased levels due to traffic. The secondary woodland, scrub and grassland habitats within the LWS have developed within the context of the existing air quality and air pollutants. It is considered unlikely that nitrogen sensitive vegetation has colonised the LWSs given the existing and likely historical levels of NOx. It is therefore not anticipated that there will be a significant effect on the LWSs.

Ecological Impact Assessment:

The Environmental Statement assesses the residual effects of the development upon ecology during construction as being minor beneficial (significant at Site level) for habitats, and neutral for all other features, with the exception of skylark (adverse but significant at Site level only). For the completed development with the mitigation in place the impacts are assessed as being neutral.

Biodiversity Net Gain (BNG):

An illustrative BNG assessment has been submitted in support to the application. It is unlikely if the whole development comes forward that an overall biodiversity net gain can be achieved within the Site therefore, biodiversity net gain is likely to be achieved through a combination of on-site provision, off-site provision on land within the Applicant's ownership and/or through a financial contribution that is proportionate to the scale and nature of the impacts.

The illustrative BNG assessment shows how a 13% BNG could be delivered with the site and other land close by owned by the applicant. This is likely to be achieved by biodiverse green roofs, landscaping incorporating native species, the retention of some neutral grassland in the verges around plot 5, and new habitat on part of the staff parking site off Alsing Road.

The BNG will be secured at reserved matters stage and a condition is proposed requiring a minimum of 10% BNG to be delivered for the scheme as a whole with each reserved matters application to include a scheme for delivering BNG through both on and off-site ecological enhancements. Each reserved matters application will be supported by a Landscape and Environmental Management Plan which will ensure the BNG areas are maintained for a period of 30 years to ensure the long-term delivery of the BNG.

Summary on Ecological Issues:

This site is not a high value site in ecological terms. The LWS's are outside the site and will be protected from significant ecological impacts by the measures in the CEMP, together with a sensitive lighting scheme. The proposal complies with the NPPF and development plan ecological policies and the BNG, alongside the proposed otter holt and nest box installation should deliver an overall benefit in ecological terms.

Hard and Soft Landscaping

Policy:

As part of guidance for achieving well designed places paragraph 130 of the NPPF says that planning decisions should ensure that development is (amongst other matter) 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)

Paragraph 170 of the NPPF says that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other matters) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

Core Strategy policy CS74 sets out a series of design principles to guide new development these include to take advantage of and enhance the distinctive features of the city including the townscape and landscape character of the city's districts.

The landscape aspects of policy CS74 is consistent with the NPPF and should be given significant weight. The landscape principles in the design code and design and access statement are consistent with this policy and with the NPPF guidance and therefore the proposal complies with these policies.

Existing landscape Character:

Most of the site is occupied by urban development comprising of car parks, and access roads. The main landscape features within the site comprise of ornamental landscaping to the perimeter roads and within the surface car parks and the quayside area of hard and soft landscaping character adjoining the cinema. Both landscape features contribute positively to the character of the area.

Plot 5 comprises of grassland and scrub regenerating on a vacant site. Adjoining the site to south west and north west are green corridors and Sites of Importance for Nature Conservation comprising of a disused railway embankment and the River Don and associated linear park.

Landscape impact:

The development will inevitably result in the loss of some ornamental landscape around and within the car parks and the applicant intends to replace some of the planting around the perimeter roads. It will also result in the loss of the scrub and grassland on plot 5 as this is developed for large format retail units.

Most of the ornamental planting was created 30 years ago when the shopping centre was developed. It is not of such high value that its loss and replacement with new planting would have a significant harmful amenity impact.

The development should not significantly impact on landscaping within the adjoining green corridors and Sites of Importance for Nature Conservation areas of importance as these areas largely outside of the site boundary. There is no reason why existing ornamental planting cannot be adequately replaced and compensated for as part of the reserved matters applications for the development of the individual plots.

The redevelopment of plot 5 is likely to enhance its landscape character given that it is currently a vacant site. Should the leisure hall extension proceed within plot TLH in a form similar to the extension permitted under the 2016 consent there are likely to be significant landscape benefits it that it is likely to take the form of a more outward facing development with south facing public spaces and improved surface level landscaped pedestrian and cycle connections to the main shopping centre.

However, the flexibility sought within the current (primarily outline) application means that the applicant has the option to not progress a more ambitious leisure hall extension on the main development zone to the south-east and instead progress a simpler and smaller scheme within the alternative development zone to the south. No significant weight can therefore be attached to the illustrative main development zone scheme showing significant landscape character improvements; however, some weight can be attached to the principles set out within the Design Code which include provisions to achieve a positive relationship between the development and surrounding land on both development zones. In addition, planning conditions will require a proportion of green roofs to be provided on the new buildings and this will be a landscape benefit.

Landscape design code:

Whilst landscaping is a reserved matter the Design and Access Statement and design Code include guidance on the public realm and landscape. This establishes a series of objectives for landscaping which will seek to facilitate ease of movement and inclusive access, multi-functional spaces, spaces that encourage activities outdoors, landscaping which maximises the biodiversity value and landscaping that responds to local character.

The landscape strategy proposed by the applicant is to encourage permeability across the site and to the existing habitat sites and areas beyond. The landscape proposals are likely to include new public spaces, planting in the car parks to reinforce routes and the introduction of green walls, replanting the frontages to Meadowhall Way to encourage biodiversity, green roofs on new buildings, improved linkages to tram stops. Within the public realm resting points will be provided water features and signage to assist in way finding.

Structural planting along the highways is noted as being important and indeed this is a strong and attractive element of the local character. It is the intention to replace and enhance the aesthetic and ecological value of planting especially on the main routes. The new parking areas could be greened with trees and planting beds and green walls to the edges of the multi-storey and deck car parks. The Landscape and Ecological Management Plan will set out the long-term management arrangements for the new planting.

Although landscaping is reserved for future approval, a condition is proposed to ensure when development is brought forward in the reserved matters applications it will be carried out in general compliance with the Design Code. The design parameters and principles within the design code provide confidence that landscape losses will be adequately mitigated, and the hard and soft landscaping will be a strong feature of the new development.

As the site has limited landscape value, and a design code will be secured by planning condition which includes provision to improve the site's landscape setting, it is reasonable to conclude that the development is likely to enhance the landscape character of the site.

Flood Risk

Policy:

Paragraph 167 of the NPPF says that, when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 162 of the NPPF says the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Core Strategy policy CS63 says that action to adapt to expected climate change will include locating and designing development to eliminate unacceptable flood risk.

Policy CS63 is consistent with the flood risk guidance in the NPPF and should be given significant weight. The flood risk assessment shows that the development will not be subject to unacceptable flood risk and also passes the sequential test. Therefore, the development is consistent with the Development Plan and NPPF flood risk policies.

Flood risk and sequential assessment:

The Environment Agency (EA) 'Flood Map for Planning' shows the Site lies predominantly within Flood Zone 2 (1 in 100 and 1 in 1,000 annual probability of river flooding) with some areas within Flood Zone 3a (1 in 100 or greater annual probability of river flooding). The area is defended from river flooding by existing flood defences consisting of a combination of defences around Meadowhall and flood defences that defend the land just upstream of Meadowhall and on the opposite bank.

Meadowhall is defended to a standard of up to 1 in 200 event plus a minimum of 0.3m freeboard whilst the Lower Don Valley Flood Defence Project has been designed to provide a standard of protection of 1 in 100 years with an additional allowance for the impact of climate change. In November 2019 a significant flood event with an approximate return period of 1 in 100 years (1% annual probability) occurred and did not give rise to any flooding within the defended area. Therefore, the risk of river flooding arising from either a failure of the defences and/or an exceedance event is low. Flood risk from all other sources, including surface water is considered to be low.

As the area is defended to an appropriate standard and the potential impacts of climate change have been taken into in the design of the defences, no specific mitigation is proposed for fluvial flood risk. Continuous safe access from the Site is provided at the 1 in 100 annual probability plus climate change flood level via land to the south.

Retail, leisure, food and beverage and office uses all constitute less vulnerable land uses, which are considered appropriate within Flood Zones 2 and 3. Drinking establishments and nurseries are more vulnerable and police stations highly vulnerable. More vulnerable uses are appropriate in flood zone 2 but the exception test is required for flood zone 3a. Highly vulnerable uses need to pass the exception test for flood zone 2 and should not be permitted in flood zone 3a. In this case the Police Station is not required to be operational during flooding and therefore is classified as a less vulnerable use and acceptable in flood zone 3.

For the more vulnerable uses to pass the exception test (drinking establishments and the nursery) the proposal must demonstrate wider sustainability benefits that outweigh the flood risk. It is accepted that the proposal as a whole demonstrates wider sustainability benefits. Flood warning and other mitigation measures listed in the flood risk assessment will ensure that the second part of the exception test is passed: the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and will reduce flood risk where possible. However, policy CS67 part m. requires that more vulnerable uses, as defined in the PPG Table 2, are above ground floor level and this is controlled by condition.

In terms of the flood risk sequential test the TLH plot has a sites specific case for development which cannot be served elsewhere as per the retail sequential test. Alternative in-centre and edge-of-centre sites within Sheffield and Rotherham have been considered for Plot 5 and officers accept that none of these are suitable and

available. The applicant has also considered other potential preferable sites within the Lower Don Valley in Flood Zone 1 (The Lower Don Valley being a commercially viable and highly accessible area and identified as a preferred area for leisure development outside of the City Centre), and we accept there are no suitable or available sites there either. Therefore, the proposal passes the flood risk sequential test.

The Environment Agency do not object to the proposal subject to appropriate conditions including that the development is carried out in accordance with the Flood Risk Assessment (FRA) and an Ecological Management Plan/landscape plan be submitted and implemented. The mitigation within the FRA is:

- Preferential flow paths for overland flows shall be maintained and directed away from buildings and critical infrastructure on the site.
- Building plant and utility services shall be raised as high as practicable above ground level.
- The existing access width for the River Don shall be maintained.

The Environment Agency also consider that the BNG assessment should include the river habitats. This cannot be insisted on as the development is unlikely to affect the river corridor given the CEMP controls over construction and demolition works and as the application boundary only crosses the river where an existing highway passes over the river.

Overall it is considered that both the sequential and exceptions test are passed and that therefore the development is acceptable in relation to relevant NPPF and Local Plan policies on flood risk, as summarised at the beginning of this section.

Drainage

Policy:

Paragraph 169 of the NPPF requires that 'Major developments should incorporate SuDS unless there is clear evidence that this would be inappropriate'. Para 169 further requires that maintenance arrangements are in place to ensure an acceptable standard of operation for the lifetime of the development and that SuDS should, where possible, provide multifunctional benefits.

Policy CS 63 'Responses to Climate Change' says that action to adapt to expected climate change will include:

- i. adopting sustainable drainage systems

Policy CS 67 'Flood Risk Management' says the extent and impact of flooding will be reduced by:

- a) requiring that all developments significantly limit surface water run-off;
- b) requiring the use of Sustainable Drainage Systems or sustainable drainage techniques on all sites where feasible and practicable;

These Core Strategy policies are consistent with the NPPF and should be given significant weight. Conditions are proposed which require run off to be limited and

sustainable drainage techniques applied where appropriate, therefore the drainage impacts will comply with Development Plan and NPPF policies.

Existing drainage:

Plot TLH currently drains to piped drainage systems. Plot TLH is split into two separate catchments both draining un-attenuated into the River Don via different outfalls, one outfall is located close to The Oasis on the northern side of the Site and the other outfall is located on the western side.

The Source drains to a separate system consisting of a culverted watercourse that runs east to the River Don.

There is some conflicting information in relation to the current drainage provisions for the existing development on Plot 5. The applicant states that:

‘The current development on Plot 5 drains to the combined sewerage system in the area therefore does not currently drain to a watercourse, however the culverted watercourse described above is a potential alternative drainage route for the new development, subject to further investigation works prior to detailed design.’

However, the Council’s Drainage Officers advise that: An agreement was made in 2014 that a stub end for both the surface water and foul serving the existing Costa and Next site would be left for the plot 5 site. The agreed surface water rate was 10.5l/s in 2014. This ultimately discharges to the existing watercourse that passes through the M1 Distribution Centre site.

Assessment:

The low permeability of the ground and potential for contamination means that infiltration measures for surface water drainage are not appropriate for this site. The majority of the application is in outline only and therefore it is not possible at this stage to produce a detailed surface water drainage strategy. However, the applicant has included an outline strategy in their Flood Risk Assessment, which includes the following key elements:

The following drainage strategy options are proposed for the Development:

- Attenuation storage provision in the form of a combination of:
 - o Lined sub-base below permeable paving beneath the highways and surface
 - o car parks. Where additional storage capacity is required, permeable paving will be augmented with geo-cellular storage;
 - o Below ground geo-cellular storage beneath the multi-storey car parks:
 - o Below ground geo-cellular storage serving buildings.

Discharge from all stormwater attenuation will be restricted to the peak runoff rates [10.5 l/s for Plot 5 and 30% betterment for Plot TLH]

The requirement to reduce peak discharge from the Site will be achieved by adapting the existing surface water drainage system in this area [Plot TLH] using the following features: -

- New piped system contained within highway network and car park areas.
- Stormwater attenuation system and flow control device.
- All surface water from car parking areas will percolate through the permeable paving system and pass through a downstream Class 1, full retention oil separator prior to connection to the wider piped network.
- Loading bay/refuse area to discharge into foul drainage system via Class 2 bypass separator and catch pit.
- Surface water run-off from roof areas will discharge directly to attenuation tank.
- Various storage systems will be incorporated in a mixture of large bore pipework, and geo-cellular storage below ground.

The revised Design Code (Revision 1 July 2022) elements namely: 4.6 Roofscape; 4.8 Carparking; 4.10 Landscape and Public Realm; 4.11 Biodiversity and Ecology; 4.14 Sustainability also that show promising pointers to SuDS. These need to be elaborated in the final design as they are all interrelated and when combined an excellent showcase of robust design should prevail for all plots incorporating the 4 pillars of SuDS.

The Council's Drainage Officers advise that the outline drainage strategy is very limited in scope and does not consider the full 4 pillars of SuDS design, quality, biodiversity, amenity, and quantity. For Plot TLH (including the Cinema) discharge of surface water to existing Meadowhall Drainage at a brownfield rate based on the 1 in 1 year event with a 30% reduction will be acceptable.

For Plot 5 the Council's Drainage Officers advise that surface water discharge to public sewer is not agreed. The surface water discharges from Plot 5 should be to the stub end for both the surface water and foul serving the existing Costa and Next site at the agreed surface water rate of 10.5l/s. However, it is recognised that part of the site bordering Vulcan Road/Costa may not be able to discharge to the same outfall. This needs to be investigated. The watercourse is close to the Vulcan Rd/Costa site area and could discharge to it. If this is anticipated, then the agreed 10.5 l/s discharge near the Next site will need to be adjusted accordingly.

Full details of the drainage systems for each phase of development will be submitted as part of any Reserved Matters planning applications. It will be expected (and required by the proposed planning condition) for Sustainable Urban Drainage techniques to be used to control flows and improve water quality. This will include making use of permeable paving, rainwater harvesting and green roofs, as shown on the illustrative plans.

Yorkshire Water have no objections to the application subject to conditions requiring the protection of water mains and sewers, controls over surface water discharges, separate surface and foul water sewers to be provided on site and provision of petrol/oil interceptors where the development area exceeds certain

criteria.

Subject to the applicant submitting acceptable detailed drainage designs, informed by the principles of SUDS, at the Reserved Matters Stage, which addresses the detailed advice provided by the Council's Drainage Officers/ LLFA in relation to SUDS design, attenuation and outfall expectations, it is considered that the applicant has adequately demonstrated that an effective, appropriate and sustainable drainage scheme for the site is feasible to achieve.

Heritage Impacts

Policy:

Heritage assets include designated heritage assets such as listed buildings and Ancient Monuments along with undesignated buildings and structures of historic interest and below ground undesignated remains of archaeological interest.

The Planning (Listed Buildings and Conservation Areas) Act 1990 says that in deciding whether to grant planning or listed building consent the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 197 of the NPPF says that in determining applications Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 200 says that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 203 says that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

UDP policy BE19 says that proposals for development affecting the setting of a listed building will be expected to preserve its setting.

UDP policy BE22 says that sites of archaeological interest will be preserved, protected and enhanced. Development will not normally be allowed which would damage or destroy significant archaeological sites and their settings. Where disturbance of an archaeological site is unavoidable, the development will be permitted only if:

- (a) an adequate archaeological record of the site is made; and
- (b) where the site is found to be significant, the remains are preserved in their original position.

Policies BE19 and BE22 are more restrictive than the NPPF and therefore should be given moderate weight. Given the development will not impact on designated heritage assets to a degree that would affect their significance the scheme complies with the Development Plan and NPPF policies in this respect. It is not

clear at this stage whether the development will impact on the undesignated below ground archaeology. Controls are in place to ensure this will be properly investigated and any impacts can be considered in the context of the guidance in the NPPF. The development is therefore consistent with the NPPF but not entirely with policy BE22 which is more restrictive.

Heritage Assets:

There are several non-designated heritage assets located within the site, all of which relate to 19th and 20th century industrial works associated with the Sheffield steel industry. There is also a potential for paleoenvironmental evidence to be present within deeply stratified alluvial deposits.

There are several designated heritage assets within the surrounding area and their setting may be affected by the proposed development. These include the Wincobank Hillfort and the Roman Ridge to the north west and north of the site on the valley side, both of which are Scheduled Ancient Monuments. The Sheffield former tram sheds on Sheffield Road to the south and west of the site are listed grade II and Brightside Nursery: Infant School is listed grade II.

Significance:

The buried remains are non-designated heritage assets and may provide information about the steel works, the 19th and early 20th century working practices, the development of the works over their lifespan and their construction. There is a potential for paleoenvironmental remains to be present within deeply stratified alluvial deposits that run through the Site and may provide information as to the former environmental conditions and the potential for the preservation of isolated artefacts, which would be of great importance to furthering our understanding of the prehistoric landscape.

The significance of the former tram sheds is derived from their historic interest and the as the surroundings have been significantly altered its setting adds little to its significance. The Brightside School derives its significance from their historic and architectural interest as an element of a wider industrial landscape serving the 19th and 20th century steel industry and as an example of the high-quality design of the buildings designed by the Sheffield School Board in the 19th century. The buildings draw their significance from their historic and spatial relationship with each other which defines their immediate setting. The wider setting of the asset currently adds little to its significance as the landscape has been significantly altered over the past 30 years since the decline of heavy industry in the area.

Wincobank Hillfort and the two sections of Roman Ridge derive their significance from their archaeological and historic interest as elements of a wider prehistoric and Romano-British landscape which include the nearby Roman fort at Templeborough and its civilian settlement. Their prominent topographic position and the relationship with the River Don valley adds to their significance. Their immediate setting is enhanced by the presence of each other and creates a strong associative relationship. Their setting is formed by the estates on the hillside around the site and wider industrial and commercial development in the lower Don

Valley.

Potential Impacts:

Development within the site has the potential to lead to the loss of significance of buried archaeology. However, a scheme of mitigation including further archaeological assessment has been agreed with South Yorkshire Archaeological Service and will be controlled by planning conditions.

The site is some distance from the designated heritage assets with intervening buildings and features and in the case of the Scheduled Ancient Monuments at a lower level. Taking this into account along with the scale of development as controlled by the parameter plans, and the scale of existing development around the shopping centre it is considered that the development will not have any appreciable impact on the setting of any of these heritage assets which will adversely affect their significance.

Heritage Summary:

The proposed planning conditions will ensure the impact of development on the buried archaeology is investigated prior to construction and either removed following recording or left in situ. Given this, and as the proposal will not have a harmful impact on the setting of the designated heritage assets, it is concluded that the development will comply with the requirements of the Planning and Listed Buildings Act, the NPPF and the development plan policies relating to heritage assets.

Ground Conditions, Dust and Noise

Policy:

Paragraph 183 of the NPPF says that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).

Paragraph 185 says that planning policies and 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 or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Conditions will ensure the ground conditions are adequately mitigated for their future use and the CEMP will ensure noise and dust is mitigated to avoid significant impacts. Therefore, the proposed development will be consistent with

the above NPPF policies.

Assessment:

Numerous reports assessing ground conditions have been carried out which are collated within the submitted Synopsis Report Presenting Ground Conditions Assessment - 47826/3501 | Rev: 02 – Sept 2020. A Coal Mining Hazard Assessment – ref. 47826 / 3502 / CBH / GEO RPT03 (MRA) – Sept 2020, has also been submitted. A Construction Environment Management Plan (CEMP) and Noise Assessment have also been submitted in support of the application. These have been considered by the Council's Environmental Protection Service (EPS) and the Coal Authority.

EPS has advised that the submitted assessments are satisfactory but further ground investigations are needed, this is controlled by condition. The CEMP includes measures to minimise the risk from the generation of ground contamination during the demolition and construction phases, each reserved matters application will need to be accompanied with a CEMP which will define the measures to be followed for that phase. The outline CEMP includes noise and vibration, and dust management measures which are also considered to be satisfactory control these potential impacts during construction/demolition. Noise and vibration of traffic during the operational phase were scoped out of the EIA subject to the results of a screening assessment of the potential significance of any changes in road traffic noise. A technical note submitted confirms that noise increase from traffic will be negligible. Therefore, EPS are satisfied with this assessment and that no noise conditions relating to traffic noise are necessary.

The Coal Mining Hazard Assessment concludes that there is a potential risk posed to the development by past coal mining and therefore recommends that intrusive site investigations are carried out on site. The Coal Authority has no objections to the proposal subject to suitable site investigation and remedial works if appropriate being carried out. This is controlled by planning conditions.

The applicant has submitted sufficient information to enable the contamination, coal mining and noise impacts to be assessed. The land contamination, coal mining and CEMP conditions will ensure that the impacts are adequately mitigated and therefore the proposal is in accordance with the NPPF policies referred to above.

Sustainability

Policy:

Paragraph 7 of the NPPF says the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 8 says the achieving sustainable development means that the planning system has three overarching objectives, an economic objective, a social objective and an environmental objective which are interdependent and need to be pursued in mutually supportive ways. Paragraph 9 says they are not criteria against which

every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Paragraph 10 says that, so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 says that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of NPPF policies 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.

Sustainability is a key guiding principle for Core Strategy policies. This is reflected in policies that seek to ensure sufficient land is available to meet the different land use requirements, in order that development for shopping, leisure and employment is directed to sustainable locations. For example, policy CS 14 is concerned with the city-wide distribution of shopping and leisure development saying that facilities with city-wide and regional catchments will be concentrated in the City Centre Primary Shopping Area. Policy CS15 says that large scale leisure and cultural facilities that serve the city and wider region will be located in or at the edge of the City Centre where possible and major leisure facilities will be located in the Lower Don Valley if no sites are suitable or available in City Centre or its edge.

Other policies promote sustainable transport, sustainable design and design that responds to climate change – including renewable and low carbon energy generation and energy efficiency. Overall the Development Plan policies are considered to be consistent with the NPPF and should be given significant weight.

Impacts:

The proposed development will help to maintain Meadowhall as a successful regional shopping and leisure destination which will help to support growth and build a strong local economy/employment in a deprived part of the City. However, this needs to be balanced against impacts on City and Town Centres - which is also of key importance to economic/social and cultural health and sustainable development. Nonetheless it is accepted that the applicant has demonstrated that the proposed development would not significantly harm the vitality and viability of existing centres. Moreover, the applicant has demonstrated there are no suitable, available sites in the City Centre on its edge or in other centres that could accommodate the proposal.

The development is sustainably located in a location highly accessible by means other than the private car and sustainable transport options are being

improved/promoted as part of the development. The proposal will regenerate a prominent gateway site and the Design Code will help to foster a well-designed and safe built environment. The air quality assessment shows that the development will have a negligible impact on human health.

The scheme will be developed on land which does not have a high ecological value and measures are proposed to protect and enhance the natural environment. The application includes proposals and commitments to mitigate and adapt to climate change and move towards a low carbon economy by being resilient to flooding, incorporating sustainable drainage and green roofs and also by incorporating controls which will respond to Core Strategy policies CS64 and CS65 by ensuring that a minimum of 10% of the predicted energy needs of that part or phase of 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.

The applicant has also made specific commitments for the use of Photo-voltaic panels to generate energy and to explore the potential to connect the development to the Blackburn Meadows District Heating System and has confirmed that the development will be designed to meet the BREEAM Very Good Standard.

Subject to the imposition of the planning conditions and planning obligations recommended at the end of this report, which require, amongst other things:

- A contribution towards improving existing public transport services to the Meadowhall site;
- Significant upgrades of South Tinsley Tram Stop;
- Pedestrian and cycle connectivity improvements, EV charging and travel planning measures;
- A commitment to Join ECO Stars Fleet Recognition Scheme;
- A Commitment to achieving at least 10% Biodiversity Net Gain and to incorporate biodiverse roofs within the development scheme;
- A Commitment to achieve BREEAM Very Good;
- A Commitment to meeting a minimum of 10% of the predicted energy needs of the development from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy;
- The delivery of Sustainable Urban Drainage Systems.

It is considered that the proposed development is consistent with the principles of Sustainable Development embodied within the NPPF and Core Strategy.

SUMMARY AND RECOMMENDATION

Environmental Impact Assessment Summary

In the course of considering this planning application the environmental information (the environmental statement and all representations and consultations submitted on the application) has been examined, including through consultation with expert consultees and internal review. The main body of the report above includes a

description of the features of the development and the measures envisaged in order to avoid, prevent, reduce and, if possible, offset, likely significant adverse effects on the environment. The conditions set out at the beginning end of the report specify the mitigation measures considered to be necessary to ensure that the development's environmental impact is minimised.

Following detailed consideration of the effects the development could have on population and human health, biodiversity/ protected species and habitats, land, soil, water, air and climate, material assets, cultural heritage and the landscape, the interaction between all of the above factors, informed by the environmental information and the examination of that information, taking account of the potential for cumulative effects, it is concluded that the effects of the development on the environment are acceptable, subject to the planning conditions and obligations recommended as part of this report.

Overall summary conclusion and recommendation

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The most important Development Plan policies for determining the application are shopping and leisure policies that relate to this site (CS7, CS14, CS15, S5, S8, LR2). Also, the employment/economic development aspects of policies CS5, SC7; the transport aspects of policies CS7, CS51, CS52, CS53, T16, T21 and T28; and air quality policy S66. Whilst some of these policies do not fully comply with the NPPF they mostly do and have been assessed as generally having significant or moderate weight. Overall, it is concluded that the most important Development Plan policies are not out of date. Therefore paragraph 11(d) of the NPPF is not engaged.

The key considerations with this application are: (a) Its compliance with planning policy especially the impact on the vitality and viability of other town centres, including Sheffield City Centre and Rotherham Town Centre, as the success of these centres is particularly important for the economic, social and cultural well-being of the local population; (b) The economic impacts of maintaining a competitive and successful regional shopping centre at Meadowhall which meets customers' needs and the economic and employment benefits of the development; (c) The transport impacts, given the congested nature of the road network at peak times around the site and the implications for safety, and the impact of additional congestion on amenity and costs to business; (d) The air quality impacts given that the site is located in an air quality management area and as it will generate significant additional traffic which has the potential to impact adversely on air quality and human health.

As explained above permission 16/04169/FUL for a (larger) leisure hall extension to Meadowhall expired in May 2021. Given this, and because circumstances have changed significantly in terms of the health of town centres due to failures of key retailers and the impact of Covid, and as the proposed scheme is significantly different to the previous permission, members are advised to give the previous consent little weight.

The scheme has been assessed considering the worst-case impacts should the full scheme be implemented (i.e. town centre, highway, air quality and other impacts). Similarly, the economic and employment benefits include an assessment of the full scheme. Because this is an outline application, and the applicant is seeking flexibility to respond to market conditions the scheme allows for a lot of flexibility as to the form the final development might take. This means the impacts may be less than those that would result from construction of the full scheme but should not be worse.

The applicant has demonstrated a site-specific case for Meadowhall to widen its leisure and food and drink offer in order to compete with other regional centres and to meet customers' needs. It has also shown that there are significant economic and employment benefits from the development in respect of the continued success of Meadowhall - which employs a considerable number of people and attracts spending and visitors from outside the area. Also, employment and economic development benefits will arise directly and indirectly from the construction and operation of the development.

The applicant's proposed local employment strategy will ensure that these benefits are maximised for the deprived local community. The applicant has had a consent for a similar leisure development within the confines of the existing shopping centre but has been unable to deliver it. The outline nature of the current application reflects the additional flexibility which the applicant indicates is required to respond to market demands and deliver the scheme.

The success of the existing town centres within the catchment area of Meadowhall is also critical to the economic, social and cultural well-being of the local population. This is recognised by the NPPF policies which seek to direct development to town centres first and ensure that development outside of these centres does not undermine their vitality and viability. These issues have been carefully assessed by officers and a specialist retail consultant assisting the Council. The potential impacts of the development have been reviewed in the light of the closures of Debenhams and John Lewis in Sheffield City Centre resulting from national trends in City/ Town Centre retailing contraction. As covered in detail in the main body of the report above, it is considered that there is a location specific case for the food and drink and leisure elements of the development scheme which mean that these aspects of the scheme cannot be located elsewhere and there are accepted to be no sequentially preferable sites which could accommodate the proposed Plot 5 large format retail park development.

For the reasons explained above in detail, whilst there are concerns about the impact of the proposal on the vitality and viability of existing centres, in terms of the effect of the development in making Meadowhall a more attractive place to visit at the potential expense of trips to City and Town centres, the balance of quantitative and qualitative evidence is considered to indicate that the proposals are unlikely to have a significant adverse impact on the vitality and viability of any existing City, Town or District Centre, including Sheffield City Centre and Rotherham Town Centre. This assessment is subject to the controls proposed by the applicant being imposed in relation to commercial floorspace caps, trading and poaching restrictions and the approximate 7-year delay to the opening of the proposed

Meadowhall extension on Plot TLH.

There are accepted to be clear signs that a number of centres within Meadowhall catchment, including Rotherham Town Centre, are increasingly fragile and vulnerable. However, a range of investment including investments arising from the government's Levelling up Fund and Towns Fund, as well as private sector and local authority led investments are being made to help these centres recover and to adapt their offer to address the changing nature of consumer demand and structural changes to the retail sector. It is considered reasonable to predict that the changing function of City and Town Centres, in terms of increased central residential populations and broadened retail, leisure and service offers, will mean that they will be more self-contained, broad based and resilient to competition from out-of-centre shopping and leisure centres, potentially lessening the impact of the proposed development.

Given that investments have continued to come forward within the Region's City and Town Centres despite the previous (larger) consent for an extension to Meadowhall being extant for a 3 year period between May 2018 and May 2021 and giving consideration to the robust mitigation proposed by the applicant, including the 7 year delay to opening any floorspace within the main development plot, there is considered to be no reasonable basis to predict that the proposed development will derail any of the existing or planned investments within City, Town and District centres in Meadowhall's catchment area.

The application is sustainably located for a high travel generating development such as this due to its proximity to the Meadowhall Transport Interchange, Tinsley Tram stop, the Tram Train and the cycle network. The applicant has demonstrated that the highway network, parking provision and the sustainable travel network can adequately accommodate the development with the improvements proposed without significant detriment to congestion and safety. The application takes a balanced approach to transportation issues promoting sustainable travel initiatives appropriate to the scale of development along with road improvements. There will be a benefit to the sustainable travel opportunities as a result of the proposed improvements and to the overall operation of the highway network if the full level of mitigation is implemented, although this cannot be guaranteed as the full development may not proceed.

The air quality assessment shows that whilst there will be a negative impact on air quality due to that additional traffic the impact will be negligible and will not result in further exceedances of air limit values if the full development is implemented taking into account the likely development programme. The Health Assessment shows there are potential health impacts and health benefits from the proposal, but neither are likely to be significant.

There will be design, townscape and landscape benefits from the scheme given the parameter plan constraints and design controls in place. These will be most significant if an extension similar to the previous extension ultimately goes ahead, demolishing part of the deck car parking and providing a new landmark building/entrance point and outward facing development.

The development will protect the areas of natural history interest adjoining the site and will create a biodiversity net gain. The development will be designed to incorporate sustainable design measures and renewable energy. Its design will be resilient to flooding and run-off from the site will be mitigated by sustainable drainage methods. Non designated heritage assets comprising of underground archaeology will be appropriately investigated/ protected/ recorded. Land contamination, and the environmental impacts from noise and dust will be mitigated such that there should be no significant health or amenity impacts.

Taking account of the factors for and against the development, as summarised above, and giving consideration to each relevant policy test, as set out in the main body of this report, on balance it is concluded that the proposed development is acceptable in principle and subject to mitigation, would have an acceptable environmental effect. Conditional approval of planning permission, subject to prior consultation with the Secretary of State and engrossment of a legal agreement under Section 106 of the Act is therefore recommended.

RECOMMENDATION

Under the terms of the Town and Country Planning (Consultation) (England) Direction 2021 where the local planning authority does not propose to refuse permission for development of 5,000m² of retail or leisure floorspace which is on edge-of-centre or out-of-centre land and not in accordance with the provisions of the development plan the Secretary of State for Housing, Communities and Local Government must be consulted.

Therefore, it is recommended that members agree that they are minded to grant planning permission

- subject to no objection from the Secretary of State for Housing, Communities and Local Government.
- subject to the conditions listed on the agenda, and subject to the applicant entering into a legal agreement to secure the Heads of Terms described below.

S106 Heads of Terms

1) A financial contribution to subsidise additional bus services to and from the site – specific service improvements and amount of contribution to be confirmed by the South Yorkshire Mayoral Combined Authority.

2) A financial contribution to deliver works for the improvement and upgrade of the South Tinsley Tram Stop and also two adjacent bus stops – amount of contribution to be confirmed by the South Yorkshire Mayoral Combined Authority.

3) A scheme for monitoring and implementing a controlled parking zone within the adjacent residential area – depending upon the outcome of pre and post development parking surveys.

4) A financial contribution of £100,000 to support the delivery of the Work Ready programme - directed at the Sheffield and the Sheffield City Region but with

priority to Darnall, Tinsley and Wincobank areas.

5) A financial contribution of £75,000 to support the delivery of the Council's Air Quality Action Plan.

6) An obligation for the site operator to join the ECO Stars Fleet Recognition Scheme.

7) A prohibition on the existing food & beverage units within the Oasis and/ or the existing Meadowhall cinema from changing their use to retail units (other than ancillary sales to the main use).

8) A prohibition on the delivery of the supermarket already approved under consent ref. 21/04322/FUL on the nearby River Don District site, in the event that a supermarket is delivered on Plot 5.

Planning obligations must be:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In this case the public transport infrastructure and service improvements in HoT (1) and (2) are needed to promote modal change, make the development reasonably accessible by public transportation at the times when such services are needed and provide appropriate quality public transportation facilities for visitors to the site. The improvements are directly related to the development and no more than what is reasonable and necessary given the high level of movements which will be made to and from the site and the imperative of ensuring that as high a proportion as possible of those movements are made by sustainable modes of transportation.

HoT (3) is necessary to prevent overspill parking into residential streets near to the site which otherwise would detract from the amenity of local residents and potentially undermine the sustainable travel initiatives being promoted as part of the scheme. This obligation is no more than is needed to address the potential adverse impact of the development.

The Work Ready Scheme (HoT 4) is necessary to ensure that the local community will have the best opportunity to take advantage of the economic benefits of the development. This is considered necessary to balance the local impacts of the development and the level of contribution is proportionate the scale of development proposed.

HoTs (5) and (6) are necessary to mitigate the air quality impacts of the development by funding the delivery of compensatory air quality mitigation measures through the Council's Air Quality Action Plan and ensuring that the applicant operates a low emissions commercial vehicle fleet. These requirements relate fairly to the nature and scale of the development – which is a very significant development project which's impact must be mitigated robustly.

HoTs (7) and (8) are necessary to mitigate the potential impact of the development on the vitality and viability of City and Town Centres and mitigate traffic impacts. Without obligation (8) those centres could be unacceptably affected by the development of 2 supermarkets in relatively close proximity, which would also be likely to generate excessive traffic. Without obligation (7) the applicant could implement the development and then re-purpose redundant leisure and food and beverage facilities within the Oasis to retail to the detriment of City and Town Centre trade.

Case Number	22/01692/FUL
Application Type	Full Planning Application
Proposal	Use of dwellinghouse (Use Class C3) as residential children's home (Use Class C2) for up to 3 no. residents including erection of two-storey side extension, alterations to fenestration and associated works
Location	100A Basford Street Sheffield S9 5BJ
Date Received	29/04/2022
Team	City Centre and Major Projects
Applicant/Agent	Barber Design
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing numbers;

01 rev D (site location plan) published 27/10/22

02 rev C (proposed plans and elevations) published 15/07/22

03 (site and externals (landscaping) plan) published 27/10/22

Email from agent confirming sustainability measures received 27/10/22

Reason: In order to define the permission.

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

3. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

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

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

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

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

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

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

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

7. 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.

8. The care home shall not be used unless the car parking accommodation for 5 no. cars (including one disabled bay in accordance with BS800) as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

9. 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.

10. The approved landscape works (including the implementation of all boundary treatments and the removal of the dilapidated building, as indicated on the approved landscaping plan) shall be implemented prior to the development being brought into use. 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.

11. 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.

12. The development shall not be used unless the dedicated bin storage area as shown on the approved plans has been provided in accordance with those plans. Thereafter the bin storage area shall be retained and used for its intended purpose and bins shall not be stored on the highway at any time (other than on bin collection days).

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

13. The development shall not be used unless turning space for vehicles, as shown on the approved site plan, has been provided within the site in accordance with that plan, and thereafter such turning facilities shall be retained.

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

14. 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.

15. The development hereby approved shall be constructed in accordance with the scheme of works/recommendations set out in the email from the agent received 27.10.22. Thereafter the scheme of works shall be retained in use and maintained for the lifetime of the development.

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

16. The development shall not be used unless the access and facilities for people with disabilities shown on the plans have been provided in accordance with the approved plans and thereafter such access and facilities shall be retained.

Reason: To ensure ease of access and facilities for disabled persons at all times it is essential for these works to have been carried out before the use commences.

Other Compliance Conditions

17. 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.

18. The care home hereby approved shall accommodate a maximum of 3 no. residents at any given time and there shall be no intensification of the use.

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

Attention is Drawn to the Following Directives:

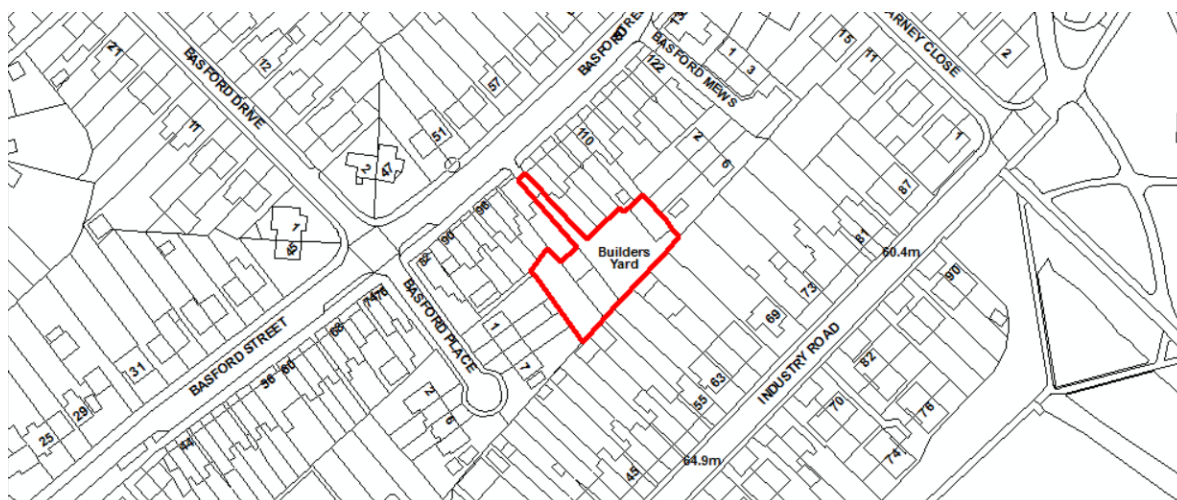
1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;
 - Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
 - A communications strategy for principal sensitive parties close to the site.
 - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
 - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - Vibration.
 - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
 - A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
 - A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation

measures in relation to noisy processes and/or equipment.

- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

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

Site Location



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LOCATION AND PROPOSAL

The application relates to a back land site off Basford Street. The site comprises a dwellinghouse and yard. The application seeks planning consent for use as a residential children's care home (Use Class C2) for up to 3 no. residents, and the erection of a two-storey side extension and associated works.

RELEVANT PLANNING HISTORY

No relevant planning history.

While use class C3(b) covers a dwellinghouse of up to six people living together as a single household and receiving care, use class C2 is the correct use class for the scheme in this case, as it would not be the permanent residence of the staff, who would work in shifts. This is in accordance with another similar proposal on Norwood Drive, S5 7BH (see refs: 19/02828/LD2 and 21/03684/CHU).

SUMMARY OF REPRESENTATIONS

13 no. objections have been received from neighbours, in summary, the following issues were raised:

- On street parking issues and increase in traffic; impact on highway safety
- Tight access; narrow shared pedestrian/vehicle access not wide enough; no other means of fire escape; poor surfacing not adoptable
- Privacy; more windows; overlooking of gardens and properties; impact on human rights
- Query whether children would be vulnerable, young offenders, troubled etc; crime and antisocial behaviour; trespassing; nuisance and noise in this quiet neighbourhood; affecting quality of life of elderly residents; increasing stress and anxiety; safety issues; concerns regarding people loitering in the

alleyway/area

- Noise disturbance; noise to houses around/over passageway
- Drainage maintenance and issues with water pressure
- Query where building materials and machinery would be stored, risk to young children in the area; concern regarding storage on street; tight access for construction vehicles; construction noise/disturbance/dust
- Query where bins would be kept and action against pest control and rubbish etc
- Devaluation of house prices
- Only a certain few residents have been notified; properties on Basford Mews not notified
- Query/issues regarding use of a path and covenants on the land
- Not enough outdoor space for children to play
- Lack of information provided
- Overshadowing to no. 7 Basford Place

A letter of objection has been received from Cllr Mary Lea, in summary raising issues regarding the tight access, the lack of green space for children to access and land contamination.

A petition in objection to the development has been received with 24 no. signatures from neighbours. In summary, the issues raised are parking, children causing nuisance, impact on house prices, and access for construction and emergency vehicles.

2 no. neutral representations have been received from neighbours, in summary, the following issues were raised:

- Increase in construction traffic may hit parked cars, including disabled bay on Basford Street
- Concerns regarding troubled youths impacting security
- Query the number of staff and shift patterns
- Supports children's home but not in an area of deprivation (issues with traffic, parking, litter and safety)

1 no. letter of support has been received from a neighbour, in summary, highlighting that the care home would only be for three children, would make the site more presentable, help children in need and vehicle movements would be less than existing.

Following the submission of amended plans and a renotification process, 7 no. objections have been received from neighbours, in summary, the following additional issues were raised:

- Objections still stand; concerns not addressed; amendments not clear
- Queries regarding Safeguarding and DBS checking
- The proposal itself is also overlooked and surrounded by houses
- Suggest an officer site visit undertaken; issues regarding accuracy/scale of plans

RESPONSE TO REPRESENTATIONS

The material planning issues in relation to parking, access, highway safety, privacy, overshadowing, noise, contamination etc are addressed in the planning assessment below.

Issues regarding privacy are assessed in relation to adopted planning policy. The implication on Human Rights is addressed below.

Drainage arrangements would not be affected, and issues regarding maintenance are civil matters between private landowners.

The impact on house prices is not a material planning consideration.

Neighbour notification has been undertaken in accordance with the Statement of Community Involvement. It is noted that residents on Basford Mews were not initially notified as the red line boundary originally submitted did not adjoin their properties. The red line boundary was subsequently amended and at this stage more neighbours, including the residents on Basford Mews, were notified.

In response to officer requests, sufficient information is considered to have been provided to allow a full planning assessment of the material planning matters.

It is not clear which path the objections relate to. Any issues regarding private rights of way, easements or covenants on the land are not material planning matters.

Use class C2 does not provide a differentiation in the type of resident. Concerns regarding a range of anti-social behaviour issues are noted, however, there is no evidence to substantiate these concerns, and they are not considered to be a material planning matter in this case given the intensity of the proposed use is so low. Any such issues, should they ever arise, would be Police matters.

The amended plans include more soft landscaping areas that could function as outdoor amenity/play space for residents.

It is considered that the amended plans clearly show the differences between the scheme originally submitted and the amended scheme assessed below.

An officer site visit was undertaken. The plans are considered to be to scale and accurate.

Safeguarding and DBS checking are not material planning issues.

An area is shown on the site plan for bins. Should any environmental health issues arise, these should be reported to the Council's environmental protection service, as is standard procedure.

Human Rights Act

In making its decision, the Council should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner which is incompatible with the European Convention on Human Rights. Particular reference is made to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of possessions, including land). In addition, under Article 6 the applicant and those third parties (including local residents) who have made representations have the right to a fair hearing which means that full consideration should be given to their comments.

When making its decision the Council must balance any likely private harm against the wider public good to ensure that interference with anyone's rights shall only be permitted if it is proportionate (the degree of harm to the individual balanced against the public interest). On this occasion it is the view of Officers that any interference is in accordance with the law and justified as being in the public interest and on the basis of the planning merits of the proposal. Any restriction on rights caused as a result of the proposed development is considered to be proportionate to the wider benefits of granting permission and that such a decision falls within the margin of discretion afforded to the Council.

PLANNING ASSESSMENT

Planning Policy Context

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

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in July 2021 (the NPPF) is a material consideration (paras 2 and 218 of the NPPF).

Paragraph 219 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

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

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

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

Principle

The site lies within a Housing Area, as designated by the UDP, where Policy H10 lists C3 housing as the preferred use, but residential institutions (use class C2), such as care homes, as acceptable in principle, subject to the provisions of UDP Policy H14, assessed below.

Floor plans show 3 no. residents’ bedrooms and 2 no. carers’ bedrooms. There may be other visitors through the day, including family visitors, additional carers and staff shift changes. However, the proposal is clearly for a small-scale operation, not dissimilar to a large residential dwelling with 5 no. bedrooms. The use would be conditioned to a maximum of 3 no. residents given the tight nature of this back land site and any unchecked expansion could lead to unforeseen amenity and highway safety issues (assessed as presented below).

In terms of the more strategic considerations of H14 relating to non C3 housing uses, such as this, the proposal would accord with points; (i) and occupy only a small area and not lead to a concentration of non-housing uses which would threaten the residential character of the Housing Area; (j) not prejudice the provision of sufficient housing land; and (l) be on a scale consistent with the residential character of the area and occupy an existing building set in its own grounds.

Design

The building on the site is a two-storey, detached redbrick dwelling with hipped roof. There is a wide, single-storey, flat roof extension to the side. While the building has been most recently in domestic use (as corroborated with Council Tax records), the site has the character of a light industrial yard and appears to be also used for the parking of a number of vehicles. There is also a small derelict, industrial building on the site.

The proposal would involve the demolition of the single-storey element and the erection of a two-storey, 9m wide side extension with matching hipped roof. It is noted that the proposal would significantly widen the building at second floor level, however, the site is not visible from the street and is only viewed from private land to the rear of neighbouring properties. The proposal would therefore not impact on the street scene or character of the area.

The development would be finished in a mix of brickwork with rendered panels. The use of rendered panels is intended to break up the mass of the building. Given the site is not visible in the street scene, the overall design approach raises no fundamental concerns. Final material details would be conditioned.

The proposal accords with the general design aims set out in UDP Policies BE5 and H14(a) and Core Strategy Policy CS74.

These policies are considered to be consistent and up to date with section 12 of the NPPF, which seeks to achieve well designed places. The proposal is considered to accord with the NPPF para. 130, which requires developments to be (b) visually attractive as a result of good architecture and (c) sympathetic to local character and history, including the surrounding built environment.

Landscaping and ecology

The site is currently in a poor condition with a derelict building and dilapidated boundary treatments. The proposal would address this, with an appropriate landscaping scheme, including the removal of the derelict building, reinstatement of appropriate boundaries and a hard and soft landscaping scheme.

The proposed landscaping would comprise a basic scheme of a tarmac parking area, paving slabs and grassed areas with tree planting. Given the backland location of the site, accessed through a narrow passage between the terraced properties fronting Basford Street, the site is not visible in the street scene and the scheme is considered appropriate and a significant improvement over existing. No further details or samples are deemed to be necessary.

1.8m high timber fencing would secure the site and provide privacy for neighbouring gardens that back onto the site. The existing dilapidated building's rear wall would remain up to 1.9m in height and be repaired to secure the eastern boundary,

While no baseline ecological data has been provided in the form of a Preliminary Ecological Appraisal (PEA), the site only comprises overgrown grass and weeds. Given this, and the small scale of the development, a PEA was not considered necessary. The proposed increase in the level of grassed areas on the site and the planting of the 6 additional new trees shown would provide biodiversity net gain over the existing situation and accord with NPPF section 15 and UDP Policy BE6.

The derelict building has no real potential for housing bats given it is an open frame structure with no roof. There is also very little potential for bats within the single-storey flat-roofed extension to be demolished such that a survey is not deemed necessary. Bats are protected under separate legislation in the very unlikely event that they are discovered.

Amenities of the locality

The proposed extension would be sufficiently separated from neighbouring plots to

avoid unreasonable overbearing or overshadowing.

Proposed windows would be to the front and rear elevations only, primarily directing views over the site's own amenity areas. The proposal would introduce first floor rear windows facing the rear windows and gardens of the properties on Basford Place. However, facing windows would have a minimum of 21m separation, which would maintain privacy of internal rooms. While the windows would be only approx. 8m from the rear boundary with Basford Place, which is slightly less than ideal, it is not considered that the introduction of these windows would represent a significant reduction in privacy levels that would make these gardens unusable for their occupants.

In terms of the use, a residential care home would be an appropriate use alongside other residential uses in this Housing Area. The proposed use, with 3 no. residents' bedrooms and 2 no. staff bedrooms would be on a domestic scale and would not lead to significant noise or other disturbances over and above that of a standard dwelling.

Concerns regarding anti-social behaviour would be a Police matter, and not a material planning reason for refusal as there is no evidence to suggest that this would be an issue. Boundaries would be well secured, as demonstrated on the landscaping plan.

Concerns regarding safety during construction works are noted, including noise and dust etc. This would be appropriately addressed by submission of a Construction and Environmental Management plan, secured by condition.

The proposal would therefore accord with UDP Policy H14(c). The site would not be over-developed or deprive residents of light, privacy or security, and (k) not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.

Living conditions

The care home would provide good living conditions for residents, with 3 no. well-proportioned bedrooms, with good outlook and daylight, and ample living space, including outdoor amenity and play space. This residential area is an appropriately quiet location for a residential care home, and no sound attenuation measures are considered necessary.

Concerns raised regarding the privacy of future occupiers of the care home are noted, however, as explained above, sufficient separation distances would be maintained.

The proposal would therefore accord with UDP Policy H14(e) as it would not suffer from unacceptable air pollution, noise or other nuisance or risk to health or safety.

Highways

The site is accessed through a narrow gap between the terraced houses, shared

by vehicles and pedestrians, which is not ideal. Vehicles could not pass each other and only one vehicle could travel in one direction at any given time. However, this is an existing arrangement, and any current or future use of the site would have to contend with this constraint.

The proposal has been amended to demonstrate an appropriate level of off-street parking and turning space. The turning provision would ensure all cars could exit the site in a forward gear, which would not reduce highway safety to an unreasonable level.

5 no. parking spaces would be provided, including a disabled bay. This is considered to be suitable for the needs of the development and would avoid a reliance on on-street parking in an area which is already heavily on-street parked.

At the time of the officer site visit (18/08/22), 5 no. cars were on site. Google satellite imagery (2022) shows 12 vehicles, including a van, on the site. It is clear that the site has historically been used for parking, whether lawful or not, and the proposed vehicle movements would not exceed what has recently been occurring on the site.

Concerns regarding the poor state of the surfacing is noted, however, the access would not be publicly adopted highway. It is not considered that this would be adequate grounds for refusal in itself.

In terms of emergency access, this is acknowledged as constrained. However, the site already contains a dwelling, and the proposal is for a small care home for 3 no. residents, also residential in scale. Therefore, it is not considered that the proposal represents a significant change in emergency access arrangements or increase in risk over and above the existing scenario. Fire tenders are required to be able to get within 45 metres of the front door of a dwelling. In this case the distance from the highway to the front door would be 33 metres, which is well within that requirement.

The proposal would accord with UDP Policy H14(d) and (k). NPPF para. 111 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. In this case the arrangements cannot be demonstrated to be unacceptable or severe.

Other issues

Historical records show that potential contaminated land is located near to the application site. As excavations would take place on site to construct the extension the full set of land quality pre-commencement conditions would therefore be applied.

Given the proposal is for reuse and extension of an existing building, drainage arrangements would likely remain as existing. Core Strategy Policy CS67 requires minor developments, such as this, to reduce surface water run off as far as feasible. The proposal would result in an increased level of grassed areas, which

would assist the aims of this policy.

The care home would be accessed through a new doorway. This was requested to provide a full 1000mm minimum effective clear width. This has not been provided by the applicant, as the building would not be open to the public, but would provide an 800mm clear width, which would exceed the building regulation requirement for existing buildings. A ramp would also be provided to enable level access. Although the building would have a small number of visitors, given the small scale of the use, the access arrangements proposed can be accepted. The proposal therefore accords with UDP Policy BE7.

Core Strategy Policy CS64 requires all conversions of buildings to reduce emissions and use resources sustainably. A statement has been submitted outlining ways the development would accord with this requirement, including, PV and thermal panels, insulation, tap restrictors and rainwater harvesting. These measures would be secured by condition.

SUMMARY AND RECOMMENDATION

Residential institutions are acceptable in principle in Housing Areas. The proposal would accord with the relevant considerations of UDP Policy H14 as it is on scale consistent with the residential character of the area and occupy an existing building in its own grounds.

The site is not visible in the street scene and raises no design issues. The proposal would significantly improve the appearance of the site with an appropriate hard and soft landscaping scheme, which would also secure biodiversity net gain.

The impact on the amenities of the locality have been demonstrated to be acceptable, including privacy and overshadowing. Concerns regarding antisocial behaviour etc are noted but is not a material planning reason for refusal given that there is no evidence to back up this claim.

Appropriate living conditions would also be provided for future occupiers of the care home, including outdoor amenity space and privacy levels.

While the access arrangements are tight, vehicle movements and the level of on-site parking would be acceptable for the small scale of the proposal. The proposal would not significantly worsen highway safety over the existing scenario. The development therefore cannot be demonstrated to lead to an unacceptable or severe impact on the highway, according with NPPF para. 111.

Having regard to all of the above considerations it is concluded that the development complies with the development plan when considered as a whole and it is therefore recommended that planning permission be granted subject to the listed conditions.

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Case Number	22/03685/FUL
Application Type	Full Planning Application
Proposal	Provision of enclosed dog walk/dog run area including 1.7m timber/wire fencing and formation of parking area (Re-submission of planning application 22/02416/FUL)
Location	Land Opposite Holme Head Wheel Dam Rivelin Valley Road Sheffield S6 5SF
Date Received	07/10/2022
Team	North
Applicant/Agent	Fleetwood Cadtek Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Red Line Site Location Plan (UK Planning Maps) published 07.11.22
Proposed Site Layout Drawing Number 22.35.03 Rev C published 23.11.22
Additional Information email published 23.11.22

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. Notwithstanding the detail on the submitted plans a comprehensive and detailed soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the use commences 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.

Other Compliance Conditions

4. 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.

5. The existing Oak tree to the south of the access track and boundary planting to the north of the stables shall be protected during construction 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 protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees and landscaping on site.

6. The existing stone walls to the perimeter of the dog park shall be retained. The enclosure fencing to be installed shall be the style and height as shown within the approved details published 12.10.22, unless alternative details have been first submitted to and approved in writing, prior to installation.

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

7. The fencing shall be installed in accordance with the submitted method statement detailed within the additional information published 22.11.22

Reason: In order to protect established landscaping and trees.

8. The surfacing of the access track, parking and turning area shall be finished in accordance with the materials specified on the approved site plan prior to the use of the dog park commencing. The parking and turning area shall be retained for the sole purpose intended.

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

9. The dog park use shall be confined solely to the area annotated "enclosed dog walk" on the approved plan. The remaining land shall be managed in accordance with the previously approved grazing rotation plan(21/02936/FUL) as amended by the approved site plan published 23.11.22

Reason: In the interests of protecting the ecological value of the site.

10. The dog park shall be used and managed in accordance with the access and waste strategy detailed on the approved plan and design and access statement.

Reason: In the interest of the amenity of the locality and highway safety.

11. Prior to the use of the dog park commencing, the existing wooden structure within the proposed dog run enclosure and the fencing and means of enclosure forming the previous unauthorised dog park shall be removed in their entirety from the site.

Reason: In the interests of the visual amenity of the locality and to maintain the openness of the Green Belt.

12. There shall be no lighting provided to the dog exercise area, unless details have been first submitted to and approved in writing by the Local Planning Authority. Thereafter any lighting shall be provided only in accordance with those approved details.

Reason: In the interests of visual amenity.

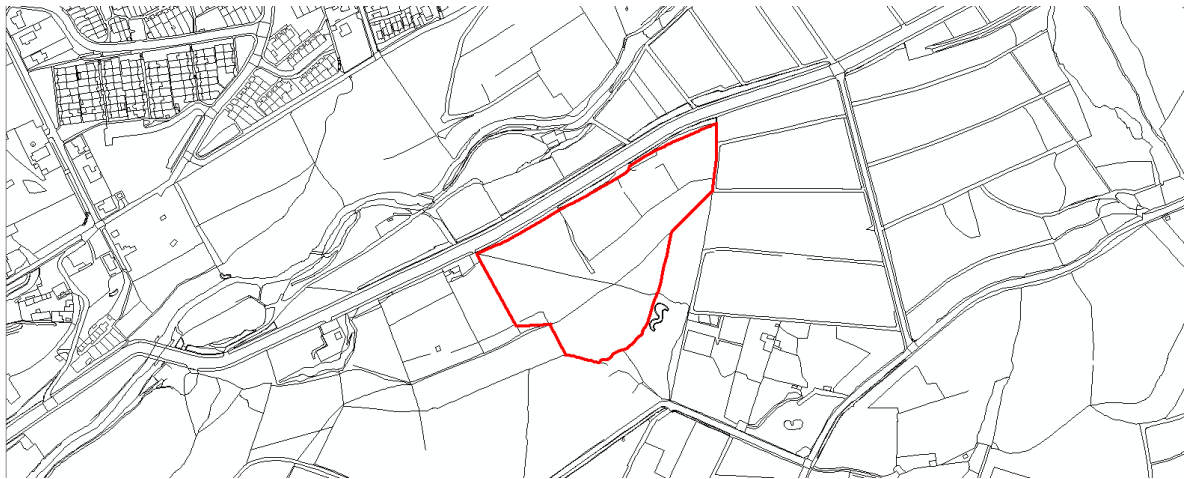
13. The existing landscaped areas within the site shall be retained and protected from construction activity. Any damage during construction / demolition works shall be made good by reinstating to the condition/appearance prior to the commencement of the works.

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

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 is advised that Cadent have an intermediate and low pressure gas pipeline running diagonally through the field and hold a deed of grant for an easement on these gas pipelines and no development is permitted inside our easement without written permission, Cadent will require to be consulted and liaised with before any work or landscaping is carried out in the vicinity of the gas pipelines. Further detail of the location of these pipes and contact details can be found on the online file.

Site Location



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LOCATION AND PROPOSAL

The application site relates to fields to the south of Rivelin Valley Road, and the west of the Hagg Hill Plantation.

The overall site area is 2.6 ha and is predominantly laid out as fields with a partially constructed stable along the northern boundary.

There is an existing vehicular access gate from Rivelin Valley Road with approval for a single width access to service the stables. The land rises steeply to the south and a network of public footpaths exist around the site and also run through it.

Consent is sought to create an enclosed dog exercise area.

Members may recall that a similar scheme for this site was refused at Planning Committee in September 2022. This is a resubmission of the scheme.

The key differences are the location of the dog park within the wider site, the style of fencing, the parking layout and the omission of shelters.

The enclosed area forming the dog park is now shown to be located on the north eastern corner of the site, to the east of the incomplete stable building. This would be enclosed by 1.7 metre high timber post and mesh fence. Native planting is proposed to the outer perimeter of the fencing. Parking and turning is shown for two vehicles to the front of the stable.

The submission details that one dog owner would exercise their dog at any one time via prebooked time slots with on-site parking. As these times the applicant would be present on site.

The site has been recently operating as a dog park without permission, however the applicant details that this has now ceased. An enclosure is currently in place which is formed from post and mesh fencing with black sheeting around at approx. 1.2 m high and sections of higher temporary style construction fencing (approx. 1.8 – 2m high) Within the compound there was some agility equipment present.

The supporting documentation accompanying the submission refers to a number of benefits of the scheme. These being;

- The scheme would be a diversification of a rural business and support the local economy.
- The facility would provide an essential safe enclosed environment for dogs and owners, which is particularly important for reactive , nervous or rescue dogs, recovering dogs or young dogs.
- This is a much needed facility and an asset to the local community
- There are no other dog parks in the local area
- The facility would assist dog owners with disabilities and health conditions and dog owners without access to private outdoor space.

PLANNING HISTORY

Consent was granted in September 2021 for the use of land for the keeping of animals for recreational purposes and the erection of stables (21/02936/FUL)

This was subsequently amended following differing construction under 22/02415/NMA. This application was to omit 2no. roof gables with alterations to stable dimensions and land levels (amendment to planning permission 21/02936/FUL) (amended description) This was granted July 2022.

Consent was refused in September 2022 for the provision of enclosed dog walk/dog run area including 1.8m wire fencing, formation of parking area and timber shelter (22/02416/FUL)The reason for refusal read:

1. The Local Planning Authority consider that the proposed development, by reason of the introduction of fencing, general paraphernalia, parking and activities associated with the proposed use, would not preserve the openness of the Green Belt. The proposal does not therefore meet the exceptions in National Planning Policy Framework Paragraphs 149 to 150 and as such comprises inappropriate development in the Green Belt. There are no very special circumstances that clearly outweigh the potential harm to the Green Belt by reason of inappropriateness or any other harm resulting from the proposal. The development is therefore contrary to policies GE1 to GE4 of the Unitary Development Plan and Paragraphs 147, 148, 149(b), 150 (e) of the National Planning Policy Framework.

2. The Local Planning Authority consider that the proposed development would, as a result of its design, siting, form and resulting intensity, be harmful to the open character and appearance of the Area of High Landscape Value and visual amenities of the area. The proposed development is therefore contrary to Unitary Development Plan Policy GE8, Core Strategy Policy CS74 and Paragraphs 130 and 174 of the NPPF.

REPRESENTATIONS

Representation has been received from 18 parties, 15 writing in support of the application and 3 writing in objections. The points raised are summarised below;

Support

- Important and needed for dogs and people
- Essential so that dogs can run free
- Important for owners with nervous dogs, dogs without recall, reactive dogs, small gardens
- The facility is safe for dogs and people
- No harm to the environment or views
- Other cities have facilities such as this and this is much needed in Sheffield.
- Keeps dogs out of parks
- Reduces dog fouling in public areas
- Not in close proximity to houses or businesses.
- Additional planting would enhance wildlife
- Objections are not made by locals
- Objection to previous decision

Objection

- Impact on Green Belt.
- Spoils and disrupts beautiful fields, visually intrusive to pasture fields
- Detract from peaceful and well valued local green belt
- Generates driving
- The development would affect wildlife in the area.
- Concern regarding highway safety implications.
- Concern is raised regarding the potential for the site to remain untidy.
- Ample alternative green space to exercise dogs exists.

Rivelin Valley Conservation Group: Consider the scheme does not overcome the previous reasons for refusal in terms of conflict with Green Belt and Landscape Protection policies. The plans should also show the lines of the public footpaths and bridleways.

ASSESSMENT

Policy Context

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The key goal 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 following assessment will have due regard to these overarching principles.

Paragraph 12 of the NPPF makes it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Paragraph 12 continues that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

Paragraph 219 of the NPPF makes it clear that policies should not be considered as out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Therefore the closer a policy in the development plan is to the policies in the Framework, the greater the weight that may be given.

The assessment of this development proposal needs to be considered in light of paragraph 11 of the NPPF, which states that for the purposes of decision making, where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development.
- ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

Footnote 7 provides further details in relation to paragraph 11i) with respect to areas or assets which are of particular importance and includes the green belt. The following assessment will:

- Assess the proposal's compliance against existing local policies as this is the starting point for the decision making process. For Sheffield this is the Unitary Development Plan (UDP) and the Sheffield Development Framework Core Strategy (CS).
- Consider the degree of consistency these policies have with the Framework and attribute appropriate weight accordingly.

The application site is located in the Green Belt, an Area of High Landscape Value and a Local Wildlife Site as allocated in the Sheffield Unitary Development Plan.

Whether the Development is Appropriate in the Green Belt

UDP policies GE1-GE4 are relevant to this scheme.

Policy GE1 details that in the Green Belt, development will not be permitted except in very special circumstances, where it would: a) lead to the growth of the built up area; or b) contribute towards the merging of existing settlements or c) lead to encroachment of urban development into the countryside or d) compromise urban regeneration.

Policy GE2 Protection and Improvement of the Green Belt Landscape, seeks to: a) maintain and enhance those areas with generally high landscape value, b) improve poor landscapes in priority areas (listed in UDP policy BE4)

Policy GE3 states that in the Green Belt, the construction of new buildings will not be permitted except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses which comply with policy GE1.

Policy GE4 seeks to ensure that the scale and character of any development which is permitted in the Green Belt, or would be conspicuous from it, should be in keeping with the area, and wherever possible conserve and enhance the landscape and natural environment.

NPPF paragraph 137 states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 138 sets out the 5 purposes the Green Belt serves:

- a) To check the un-restricted sprawl of large built-up areas;
- b) To prevent neighbouring towns from merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 requires that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include amongst other things:

- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

Paragraph 150 of the Framework details that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are

- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);

A recent appeal decision (APP/J4423/W/20/3262600) – Former Loxley Works, Storrs Bridge Lane, Sheffield, S6 6SX, dated 10 August 2021) concluded that policies GE1,

GE3 and GE5 were out of date and afforded limited weight to these. As collectively the Green Belt Policies were out of date, this policy aspect was considered with greater weight afforded to the Green Belt policies in the NPPF. This application will take the same approach.

A dog exercise area is considered to fall within the definition of outdoor recreation in Paragraphs 149 and 150 and is considered not to be an inappropriate use in the Green Belt providing it preserves openness and does not conflict with the purpose of including land within it.

Impact on Openness

Physical development is detailed to facilitate the proposed use. This has potential to impact on the openness of the Green Belt.

Openness is capable of having both spatial and visual aspects.

The site has already been developed with large stabling and has more informal shelters to the west along the Rivelin Road frontage.

The dog park is proposed to be relocated from the previously proposed location to the north eastern corner and would measure approximately 37m x 42 m. The plans indicate the dog walk to be located in the corner of the site abutting the boundary to Rivelin Valley Road to the north and the eastern boundary of the field. Whilst the site is elevated above Rivelin Valley Road it is fairly well screened by trees when in leaf. To the east is woodland. A public footpath also runs next to the eastern boundary higher up the site, outside the site boundary. To the west is the stable block and to the north is open land laid out as a field, with a footpath running east to west across beyond the top of the field.

The revised siting of the enclosure is much less prominent, than the previously refused scheme, given that it is positioned in the corner of the field and seen against the backdrop of landscaping to Rivelin Valley Road.

Fencing is proposed to form the enclosure , this would be timber rails and deer mesh at a height of 1.7 metres. Whilst this is still fairly high, the style of this is appropriate for a rural setting. The fencing would be seen at the bottom of the sloping field with the northern and eastern stretches viewed against the established vegetation which currently exists at the perimeter of the site.

The western and southern lines of enclosure would be more prominent, with the added enclosure having potential to cause some minor diminishment of the open character of the field, however such enclosure is not uncommon in rural settings. The applicant proposes native planting to the outer perimeter of these, which over time would soften the appearance of the fencing and minimise its presence. From the most prominent aspects, which are the footpaths, this would be seen against the green backdrop of the mature tree belts and field. This would not cause significant harm to openness.

Whilst no detail has been provided, it is noted that the existing enclosure contains dog agility equipment. This has potential to impact on the openness of the land, however

similarities can be drawn between this and what could be seen for example within an equestrian setting. This application does not include the provision of a shelter, as proposed within the previously refused scheme. It is noted that there is a wooden shelter within the site of the proposed dog enclosure at present. The applicant has confirmed that this would be removed to facilitate the development. This can be controlled by condition and would result in some minor increase in openness.

This application reduces the level of parking compared to the previous scheme. This is shown to be limited to a short access from the highway terminating to the front of the stables with space for two vehicles, parked in a line with turning. The formalised parking area would bring activity and the spatial impact of having cars parked on site. It is recognised that the plans detail that one customer would be on site at a time. The submitted plans show an extensive line of landscaping to screen and soften this, the intention behind this is commended. Officers are however concerned that whilst this would screen the cars, this would also cause further reduction in openness and predominantly enclose the stables. When viewed from the footpaths to the south and east, the combined impact of the stables, the enclosed dog run and the screened car park would appear intense and subdivided from the grazing land of which the stables are connected with and more akin to a domestic curtilage. For this reason the parking area should not be screened. The surfacing would be mesh to allow grass to grow through and minimise the visibility of surfacing. There would be a reduction in openness generated by cars and activity, however this would not be as permanent impact as the screening. A condition will be attached to require a landscaping scheme to be agreed which would secure an appropriate response bearing the above in mind.

This amended scheme offers a significant improvement over the previously refused scheme and is considered to minimise harm to the open character of the Green Belt to an acceptable degree and as such would be compliant with Paragraphs 149 and 150 of the NPPF. A condition would be attached to any approval requiring the existing fencing forming the disused dog park to be removed prior to the proposed dog park being brought into use.

Function of Green Belt :

Paragraph 138 sets out the 5 purposes the Green Belt serves including (c) to assist in safeguarding the countryside from encroachment. The scheme represents minimal introduction of enclosure and surfacing and is not considered to conflict with this aim.

General Design, Character and Impact on Area of High Landscape Value

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

NPPF paragraph 130 seeks to ensure that developments add to the overall quality of an area, are visually attractive, sympathetic to local character...including landscaping setting.

Specifically relating to the impact on the Area of High Landscape Value (AHLV), the

following policies are of importance.

Policy GE8 states that in Areas of High Landscape Value protection and enhancement of the landscape will be the overriding consideration and that development will only be permitted in AHLV which would protect and wherever appropriate enhance the appearance and character of the Area of High Landscape Value.

Paragraph 174 of the NPPF states that planning decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The aims of the local and national policies closely align and substantial weight can therefore be attributed to these.

The character of the landscape on site is a rural, open grass land field used for the keeping of animals. The land is open with minimal development. The approved stables were carefully sited and reduced in size during the course of the previous application to minimise the impact on the character of the land.

The revised scheme seeks to minimise the impact on the character of the landscape particularly through the more sensitive siting of the dog park, the style of fencing and screening. The scheme would not be visible from long distance view points , but would be readily visible from the closer range, particularly the public footpath network.

As described above, the applicant has sought to mitigate this as far as possible. The relocated enclosure is tucked in the corner of the site rather than dominating the field as per the previous submission.

Whilst there is some concern about the changing character of the site and the intensity of development concentrated together which has documented above. A key aspect of this will be ensuring that the stables continue to relate to the wider site and do not appear segregated and associated with the adjacent dog enclosure. This can be achieved by an altered landscaping proposal which can be conditioned.

Whilst there would be some negative impact on the Area of High Landscape Value the character and appearance of the vast majority of the site would be retained and the negative impacts would be minor.

Amenity

Paragraph 130 of the NPPF seeks to ensure high standards of amenity.

Paragraph 185 of the NPPF seeks to 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.

The site is located a significant distance from residential areas and would not compromise residential amenity or generate noise which would be incompatible with the area.

The submission details that waste would be removed by each visitor to the site. Management of such aspects could be controlled by condition.

Ecology

UDP Policy GE13 states that development affecting Local Nature Sites should, wherever possible, be sited and designed so to protect and enhance the most important features of natural history interest and where development would decrease the nature conservation value of such an area, that the decrease is kept to a minimum and is compensated for by the creation and enhancement of wildlife habitats elsewhere in the site.

NPPF paragraph 180 sets out principles to ensure that biodiversity and habitats are protected.

The aims of the local and national policies broadly align and the local policy can be afforded significant weight.

The application site is within a Local Wildlife Site – LWS 015 Rivelin Valley: Millstone Edge Rough & Fields. This is a large LWS designated for a range of habitats including a mosaic of different grassland types; unimproved, neutral and acidic grassland. Acid grassland is a NERC Act 2006, Section 41 ‘priority habitat,’ which the Council has a statutory ‘biodiversity duty’ to conserve. The fields in this part of the Rivelin Valley (including those already used for animal grazing) are noted for their floristic and fungal diversity which includes uncommon species of waxcap mushrooms.

As a condition connected with the approval of the stables and use of land for the keeping of animals, a management plan was approved which shows the site being divided into sections and these grazed in rotation, with a minimum interval of 12 weeks non grazing time to enable ground cover to re-establish.

The submitted plans show minor revisions to the rotation layout plan to facilitate the dog park. This has been reviewed by the Council’s Ecologist who is satisfied with this arrangement.

The submitted scheme does not raise any significant ecological concerns as the use is limited to the fenced area and the level of intensity of one dog at a time is acceptable. The dog faeces would also be removed from site.

The intensity of use can be conditioned in line with this management plan indicated.

The parking area has been subject to recent earth movements and no longer has ecological value. The above aspects could be conditioned if the scheme were acceptable.

It is very likely that bats will commute and forage along the tree line and therefore the site should be maintained as a dark habitat. Again this aspect can be controlled by condition requiring any lighting to be approved.

Landscape

There is a mature oak tree within the site which has good amenity value. The vehicular access would come close to this. The access alignment has been approved in the previous approval for the stables. This was subject to a tree protection condition, which would be again applied to any approval.

Highways

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 site benefits from an existing vehicular access. Whilst it's use would be intensified, the nature of the business would not generate an overly intense use of the access from a highway safety perspective. There is opportunity for adequate parking and turning within the site. The supporting detail explains that parking would be available for the applicant / person supervising the dog park and the customer. The spaces are arranged in a linear manner as the applicant would be on site first and last enabling both vehicles to use the turning space. The scheme would be acceptable in terms of its impact on highway safety.

Response to Representations:

Many of the points raised through representation have been discussed above. Other issues raised are discussed below;

- Concern is raised regarding the potential for the site to remain untidy. – The site appears untidy at present. Should this persist then the Council does have enforcement powers which may be able to be applied to resolve this.
- The plans should show the lines of the public footpaths and bridleways – None of the footpaths or bridle ways which cross the site or are directly by the site would be directly affected by the scheme. Whilst these are not detailed on the plan Officers have details as to the location of these and have had regard to the visibility of the site when experienced from these routes.

Summary

The most important policies for determining this application are out of date. Paragraph 11di) is not triggered as the Green Belt policies do not provide a clear reason for refusal.

Paragraph d) of the Framework states that permission should be granted unless in 11dii), the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole.

In this particular instance the benefits are;

- Social

The supporting comments indicate that there is a need for a facility such as this, with there being a lack of access to alternatives nearby. The dog park would increase animal welfare and provides recreation and wellbeing benefits to users. Moderate weight is attributed to this.

- Economic benefit

The NPPF places significant weight on supporting economic growth, In this instance it would enable a small business to operate. Given the very small nature of this limited weight is given to this.

Disbenefits:

- The disbenefit is the minor negative visual impact on the Area of High Landscape Value as a result of the intensification of the use of the site which would be visible particularly from the public footpath network. Moderate weight is given to this.

Impacts on the Green Belt, Amenity, Highways, and Ecology have been assessed as compliant with policy and weigh neutral in the planning balance

There would be benefit to dogs and their owners and some minimal economic benefit.

In applying the tilted balance, this falls slightly in favour of the benefits identified above.

This is a finely balanced decision, however this scheme represents a significant improvement compared to the previous refusal and subject to the recommended conditions would comply with the above policy aims.

Recommendation: Grant Conditionally.

Case Number	22/02768/FUL (Formerly PP-11370864)
Application Type	Full Planning Application
Proposal	Demolition of existing bungalow and erection of five detached dwellinghouses
Location	218 Wortley Road High Green Sheffield S35 4LX
Date Received	25/07/2022
Team	North
Applicant/Agent	CODA Studios
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 shall be carried out in accordance with the following plans:-

- Drawing No. 3011-002 (Proposed Site Sections)
- Drawing No. 3011-0401-HT01 (Proposed Plans and Elevations)
- Drawing No. 3011-0402-HT02 (Proposed Plans and Elevations)
- Drawing No. 3011-0403-HT03 (Proposed Plans and Elevations)
- Drawing No. 3011-0404-HT04 (Proposed Plans and Elevations)
- Drawing No. 3011-0405-HT05 (Proposed Plans and Elevations)

published on the 25 July 2022

- Drawing No. 3011-001 Revision B (Proposed Site Plan)

published on the 24 October 2022

Reason: In order to define the permission

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

3. 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.

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

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

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

5. The development shall not be used unless the sight line, as indicated on the approved plans, has been provided. When such sight line has been provided, thereafter the sight line shall be retained and no obstruction to the sight line shall be allowed within the sight line above a height of 1 metre.

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

6. 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.

7. 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.

8. 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.

9. Unless it can be shown not to be feasible or viable no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

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

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

11. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no

building shall be occupied prior to the completion of the approved foul drainage works, details of which shall first be submitted to and approved in writing by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but limited to the following:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less than a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interests of sustainable drainage

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

Reason: To ensure satisfactory drainage arrangements.

13. The development shall be carried out in full accordance with the recommendations set out within the Preliminary Ecological Appraisal prepared by Whitcher Wildlife Ltd Ecological Consultants.

Reason: In the interests of enhancing the biodiversity of the site. It is essential that this condition is complied with before any other works on site commence given that damage to existing habitats is irreversible.

14. No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

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

15. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

Reason: To ensure satisfactory parking provision in the interests of traffic

safety and the amenities of the locality.

16. Before the use hereby permitted commences, a Wildlife-Sensitive Lighting Scheme that seeks to mitigate the potential impact of light from the development on the site's existing trees shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity

Other Compliance Conditions

17. A nesting bird survey of the site's trees shall be carried out by a suitably experienced person in the event that work commences on site during the nesting bird season, which extends between March to September.

Reason: In the interests of biodiversity

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

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

Attention is Drawn to the Following Directives:

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

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

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

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

2. 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.

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

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

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

5. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
6. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

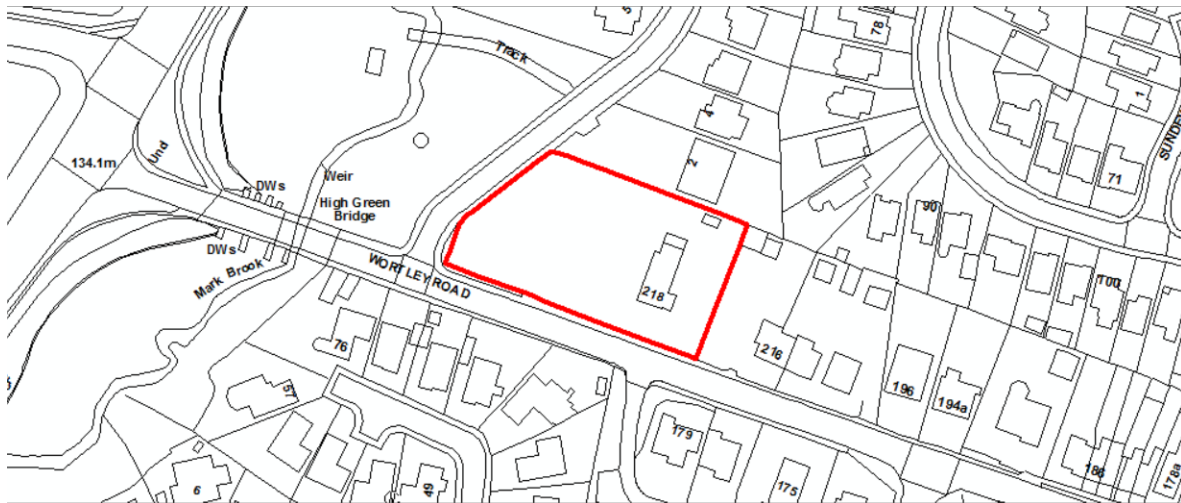
This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

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

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

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

Site Location



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BACKGROUND

This application relates to 218 Wortley Road, a detached bungalow that is situated on the corner of Wortley Road and Farlow Croft in High Green.

The application site was granted outline planning permission in October 2020, under 20/01480/OUT to demolish the bungalow and erect five detached dwellinghouses. All matters were reserved except for access and layout.

A subsequent Reserved Matters (RM) application was submitted by the applicant in pursuant of the outline approval but was withdrawn in March 2022, under 21/01691/REM. This was withdrawn on the advice of officers as it was considered that the RM conflicted with the clear parameters of the outline permission in terms of the submitted layout and scale of the houses. The applicant was therefore advised that any significant variation from the outline permission would need to be submitted under a separate full planning application as it was not possible to achieve this through the Reserved Matters.

LOCATION AND SITE CHARACTERISTICS

No. 218 Wortley Road is a large, detached bungalow with attached double garage that sits within a generous residential curtilage of some 0.27 hectares. The site is enclosed on all sides by mature landscaping that provides extensive screening from both Wortley Road and Farlow Croft. The dwellinghouse is situated towards the eastern side of the plot with a small garden area between the bungalow and the eastern boundary and larger gardens to the west. Due to being unoccupied for a period of time, the land is now overgrown with evidence of some of the site's trees being removed. Vehicular access is taken from Wortley Road towards its junction with Farlow Croft, with a separate pedestrian access through a stone wall further to its east.

The steeply sloping site is raised up from Wortley Road with a high retaining wall running along part of the site's boundary to this highway. On site, the land rises up in a south-easterly and north-easterly direction with the land levels along its eastern boundary some 10m higher than its boundary to Farlow Croft.

The surrounding area is made of a variety of house-types, both traditional and more recent additions, with the main materials being natural stone, artificial stone and brick. There is no prevailing character of houses in the area. To its immediate north, set approximately 1.75m in from the shared boundary is a two-storey detached house (2 Farlow Croft) and to its east is a pair of traditional two-storey semi-detached stone houses, the nearest being No. 216 Wortley Road. This house (No. 216) is set back from the common boundary by approximately 13m. Across Wortley Road to the south is a small housing estate comprising of bungalows that take their access from Ashwood Road.

The application site is located in a Housing Area as identified on the UDP Proposals Maps.

PROPOSAL

Full planning permission is being sought to demolish the existing bungalow and erect five detached dwellinghouses (3 five-bedrooms and 2 four-bedrooms).

A new vehicular access serving all five properties would be created towards the site's north-western corner onto Farlow Croft.

RELEVANT PLANNING HISTORY

11/03556/OUT - Erection of 3 detached dwellinghouses – Refused 24 January 2012

19/01122/OUT - Demolition of dwelling and erection of 5 detached dwellings and provision of associated access (Outline application - Appearance, Landscaping and Scale - Matters Reserved) – Withdrawn 23 May 2019

20/01480/OUT - Demolition of dwelling and erection of 5 detached dwellings and provision of associated access (Outline application - Appearance, Landscaping and Scale - Matters Reserved) – Approved 07 October 2020

21/01691/REM - Erection of 5x detached dwellinghouses with car parking accommodation (Reserved matters application sought to approve appearance, landscaping and scale) – Withdrawn 18 March 2022

SUMMARY OF REPRESENTATIONS

Two site notices were posted within the vicinity of the site on the 2 September 2022.

Fifteen objections have been received in response to neighbour notification and the posting of site notices. Representations have also been received from Ecclesfield Parish Council and from Sheffield and Rotherham Wildlife Trust. A summary of these representations is set out below:-

Amenity Issues

- The construction of five detached properties would represent the overdevelopment of the site.
- The layout of the houses will result in limited sunlight due to the proximity of on-site and off-site trees.
- The proposed number of dwellings could affect the enjoyment and quality of life of residents living adjacent to the site with increase noise disturbance.
- The development has already affected views with the removal of some of the site's trees.
- Overlooking of the bungalows (Ashwood Road) across Wortley Road. Due to the disparity in height, the houses will look like 'look out' towers. Changing the orientation and layout of the houses seriously and permanently impacts on the privacy for existing residents on Ashwood Road.

Design

- The scale, proportion and design of the houses does not reflect the look or feel of other adjacent properties in the area, which are mainly stone or artificial stone construction.
- The development will create a dominant and obtrusive feature that will compromise the character of the area.
- An application by the site's previous owner was refused for the reason that it would break the established building line that is formed by the west elevation of 218 Wortley Road and the front elevation of dwellings to the east side of Farlow Croft, resulting in a prominent and obtrusive development which would detract from the open character of the streetscene and be detrimental to the visual amenities of the area.
- The proposed buildings will be substantially higher than the existing bungalow and will dominate the skyline.
- The removal of trees would totally change the nature of the site, which was once a green area now developed with overpowering redbrick houses. This would be compounded by that the predominate view from Wortley Road and Farlow Croft would be rear gardens, adorned by structures that residents will place within them.
- Future residents will wish to secure their rear gardens with 2m high fences along the Wortley Road/Farlow Croft boundaries, which will look unsightly.
- The development would have an overbearing appearance.
- Accept that development of some form will be granted, but further consideration should be given to the characteristics of the locality. This part of Wortley Road is made up of larger detached properties of individual design and style. A more discerning approach should be taken, perhaps with 3 large properties with larger grounds and amenity space.
- The development will change the character of the area, which will affect the narrow tree-lined entrance to the houses

Highways

- The development will result in a significant increase in on-street parking.
- The proposed properties do not have sufficient parking and garage space to

- serve the development.
- Wortley Road is a busy primary road, which carries multiple bus services. At peak times traffic can be backed up, so any additional street parking could adversely affect visibility and present a potential safety hazard.
- The part of Farlow Croft where access would be taken is structurally weak and has been subject to subsidence and land slippage. It would be more preferable to utilise the existing access from Wortley Road.
- A structural survey should be carried out to assess the impact of additional dwellings, traffic and parked cars at the entrance to Farlow Croft.
- There is a likelihood that HGVs carrying plant machinery and materials will have to wait at the end of Farlow Croft while waiting to gain access into the site.
- It is evitable that residents and visitors of the houses will park along Farlow Croft so close to the junction.
- There will be an issue of egress from the site causing a bottleneck queuing to access Wortley Road. There is often a tailback from vehicles joining the A61 from Wortley Road.
- The proposal to use Farlow Croft is only a means of reducing building costs. The previous application was approved utilising the existing access from Wortley Road. The developers should amend their design to fit this approval.
- There is no allowance for visitor parking

Wildlife and Landscape Issues

- The semi-woodland setting of Farlow Croft has always provided a sanctuary for many species of wildlife including bats. There is concern that the development that will require the removal of many trees will have a negative impact on the biodiversity of the area.
- A survey does not appear to have been carried out to assess the impact on wildlife and explore options to mitigate its affects.
- Trees have recently been felled on site in advance of the application being submitted. Although the trees are not protected, it is an offence under Section 1 of the Wildlife and Countryside Act 1981 to knowingly damage or destroy nests and eggs.
- The existing trees and potentially the bungalow is a haven for the roosting of bats.
- Concerned that the developer will remove the majority of the trees/ or that future occupiers will seek their removal to improve their living environment.

Drainage Issues

- The sewage and waste water provisions for Farlow Croft were installed in 1984 based on a maximum of 24 dwellings. The report by YW does not make it clear what provisions will be provided for the additional 5 houses. Confirmation is needed to ensure the current system is able to cope with the additional dwellinghouses and the potential financial liability to be borne in the event of a system collapse.
- The removal of trees is likely to increase the likelihood of flood event.

Other

- No public planning application notification has been displayed at the site location
- Concerned that the time to make comment on the application is short.
- How long will this process take, as it has been going on for so long without it ever being completed.
- The number of valid objections to the proposed development, across previously rejected applications are still valid

Sheffield and Rotherham Wildlife Trust

Sheffield and Rotherham Wildlife Trust objects to the application due to the lack of an ecology report or any species surveys of the site. Without this information, it is not possible to ascertain the potential impacts of the proposed development on wildlife and habitats on site.

It was disappointing to hear that a number of trees have been felled during this year's bird nesting season with no apparent ecological survey or advice having been undertaken.

As well as an ecology report and species survey, the applicant should provide a BNG report to show how the applicant will provide a net gain for the site. The assessment should be made based on the previous tree survey for the baseline before the tree felling was carried out.

Should planning permission be granted, a sensitive lighting scheme for both the construction phase as well as the development itself should be provided to prevent light spill onto areas for nocturnal foraging and commuting species.

Any enclosed boundaries should include gaps to allow hedgehogs to move freely around the site.

All new trees and shrubs should be native species that will provide maximum benefits for biodiversity such as native wildflower, fruit trees and hedgerow species.

Ecclesfield Parish Council

Ecclesfield Parish Council raise no objection to the application

PLANNING ASSESSMENT

Policy Context

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

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

The UDP Proposals Map identifies the site as being within a Housing Area. The NPPF is a material consideration in planning decisions. The NPPF was published in 2012 and has subsequently been revised in 2018, 2019 and 2021 with consequent changes to some paragraph numbering.

Assessment of a development proposal also 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:

- i) 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
- ii) 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.

In terms of Paragraph 11, the Council's revised 5-Year Housing Land Supply Monitoring Report, which was released in August 2021, includes the updated Government's standard methodology and a 35% uplift to 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. Therefore, the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites.

Consequently, the most important development 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. In this instance, the so called 'tilted balance' is triggered, and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance that include Conservation Areas, listed buildings and the green belt 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.

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

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

- The Principle of Development – Policy and Land Use
- Highway Matters
- Design
- Ecology and Landscape Matters
- Residential Amenity
- CIL Issues
- Other Issues and

- Titled balance

The Principle of Development – Policy and Land Use

The application site is identified within the Sheffield Unitary Development Plan as a Housing Area. Under Policy H10 of the UDP housing is the preferred use of land.

The application should also be assessed against Core Strategy Policies CS24 and CS26. Policy CS24 relates to the use of previously developed land for new housing and states that priority will be given to the development of previously developed sites and that no more than 12% of dwelling completions be on greenfield sites between 2004/05 and 2025/26. The NPPF defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface. Amongst other things, the definition excludes land in built-up areas such as residential gardens.

Core Strategy Policy CS24 is considered to be broadly consistent with the NPPF, which states at paragraph 119 that policies should set out a strategy for meeting need in such a way that 'makes as much use as possible of previously-developed or 'brownfield' land', and at paragraph 120 part (c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes, and at part (d) to promote and support the development of under-utilised land and building, especially if this would help to meet identified needs for housing.

The proposal involves the development of a greenfield site, as the definition of previously developed land as set out in the NPPF excludes residential gardens in built-up areas. In this instance, the most recent figures show that the Council is currently achieving a dwelling build rate of over 95% on previously developed land and therefore the development of this greenfield site would not conflict with Core Strategy CS24.

Core Strategy Policy CS26 relates to the efficient use of housing land. In parts of the urban area that are close to high frequency bus routes such as here, it details that the density should be in the order of 30-50 dwellings per hectare. The policy does allow allowances outside these ranges in instances where they achieve good design, reflect the character of an area or protect a sensitive area.

This policy is broadly consistent with government guidance contained in the NPPF. Paragraph 124 states that planning policies and decisions should support development that makes efficient use of land, that amongst other things, takes into account the identified need for different types of housing, and the availability of land suitable for accommodating it. At paragraph 125 it goes on to say that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. At part (b) it states that the use of minimum density standards should be considered for other parts of the plan area and that it may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density.

The erection of five dwellinghouses on a site of 0.27 hectares would equate to a density of 18 dwellinghouses per hectare. The number of dwellings per hectare would

therefore fall below the recommended density range set out in Policy CS26 (30-50 dwellings). However, as described above, the policy does allow for densities outside the range in instances where they achieve good design and reflect the character of the area. In this instance, it is considered that a lower density can be justified, with the proposed number of houses being consistent with the number approved under the outline approval in 2020. It is also considered that a lower density would be more reflective of the character of the area, with a number of properties within the surrounding area being built at lower densities, and importantly a lower density would allow for improved amenity for both the future occupants of the dwellinghouses as well as limiting the need for additional tree removal to accommodate further houses.

While it is noted that paragraph 125 of the NPPF sets out that decisions should avoid homes being built at low densities where there is an existing shortage of land for meeting identified housing needs, it is considered that developing the site at a lower density to provide five dwellinghouses can be justified. It is also material that the NPPF at paragraph 69 recognizes that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and states at part (c) that to promote the development of a good mix of sites, local planning authorities should support the development of windfall sites through decisions and give great weight to the benefits of using suitable sites within existing settlements for homes.

The site is situated within an established residential area at a time when the Council is unable to demonstrate a 5-year supply of deliverable housing sites. Having regard to this and the need to make optimal use of sites where there is a shortage of deliverable housing sites as described in paragraph 120 at part d of the NPPF, the proposal to demolish the bungalow and erect 5 dwellinghouses should be given significant weight, which will make a small but valuable contribution to the supply of housing.

For the reasons outlined above and given that the site benefits from an extant outline planning permission to erect 5 detached houses, the principle of redeveloping the site as submitted should be viewed acceptable.

Highway Matters

UDP Policy H14 sets out at part (d) that in Housing Areas, new development will be permitted provided that it would provide safe access to the highway network and be provided with appropriate off-street parking and not endanger pedestrians.

These policies are not fully consistent with government policy contained in the NPPF, which states at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The requirement to provide appropriate off-street parking is not therefore reflected in the NPPF, with government policy suggesting that the shortfall of off-street parking within a scheme should only be refused in instances where this would result in an unacceptable impact on highway safety or lead to severe impacts on the road network.

As described, the development would be accessed from a new driveway from Farlow Croft. The access road would extend along the northern side of the site with private driveways feeding off the road to accommodate 2 off-street parking spaces per

dwelling.

The scheme has been amended to account for comments received from Highways Officers. As illustrated on the revised site layout plan, the proposal now includes one visitor parking space in addition to the on-site parking, an area for refuse and recycling bins and shows safe access onto Farlow Croft with clear visibility splays/sight lines onto this highway in both directions when egressing the site.

Highways Officers have raised no objection to the proposal from a highway perspective subject to conditions that would include sight lines and car parking in accordance with the approved details and the submission of a CEMP that would cover such matters of wheel washing, parking of construction vehicles and site compound during the construction phase. While it is noted that a number of objections have raised highway safety concerns, the scale of the development (only 5 houses) should mean that any impact on the free flow of traffic would not be significant with only modest increase in vehicular movements on the surrounding road network, as well as safe means of ingress and egress from the site. The proposed number of parking spaces should meet the expected parking demands of the 5 houses and should prevent the need for any on-street parking along the adjacent highway that would prejudice highway safety.

UDP Policy H14 (d) and government policy contained at paragraph 111 are considered to be met.

Design

The development should be assessed against UDP Policies BE5 and H14 and Core Strategy Policy CS74. Policy BE5 requires development to incorporate good design, the use of good quality materials and encourages original architecture. UDP Policy H14 relates to conditions on development in Housing Areas. It details at part (a) that new buildings and extensions should well be designed and in scale and character with neighbouring buildings. Core Strategy Policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the City, its districts and neighbourhoods.

These policies are broadly in line with the NPPF (paragraph 126) which states that good design is a key aspect of sustainable development, while paragraph 130 states that development should contribute towards creating visually attractive, distinctive places to live, work and visit, whilst also being sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change.

The applicant is seeking to erect five dwellinghouses on this site, a total that reflects the number approved for this site in October 2020, under the extant outline approval. As described, the application site occupies a corner site with Wortley Road forming its southern boundary and Farlow Croft its western boundary. The site slopes from east to west with a height difference of approximately 10m across the site. The site is currently occupied by a bungalow, which sits towards its eastern boundary. The surrounding local character comprises a variety of house types. Farlow Croft is a housing estate that comprise 3-storey properties along its eastern side with garages located at lower ground floor level. Along its western side are two-storey houses, although to their rear,

some are 3-storey in height to account for the topography of the site. Houses along Wortley Road are primarily 2-storey in height, although there are scatterings of bungalows and dormer bungalows as well as larger more pronounced 2.5 storey properties. Facing materials are also varied with natural stone, artificial stone, brick and render all being evident.

The proposed layout of the development has evolved from the scheme that was previously submitted and approved in outline and follows protracted discussions with officers. The five houses of the outline approval were to be laid out either side a central access road from Wortley Road, with two houses on the eastern side and three on the western side. On the indicative plan, the houses were all shown to be split-levelled with the houses to the east 2.5 storey facing the road and 1.5 storey to the rear. The houses to the west were shown as 1.5 storey at road level and 2.5 storeys to rear.

As submitted, the proposed five houses would now all be accessed from Farlow Croft with a new internal access road (cul-de-sac) extending along the northern boundary with the houses feeding off this road to the south and east. Three of the houses (Plots 1-3) would be sited parallel to Wortley Road, with rear gardens extending behind to Wortley Road. Plots 4 and 5 would be located at the end of the cul-de-sac, with Plot 4 angled to the road and Plot 5 being sited directly facing the end of the cul-de-sac. These two properties' rear gardens would be located to the south and east. All gardens would exceed 100 square metres, with Plots 1, 4 and 5 comprising rear gardens over 250 square metres.

There would be five different house types (3 five-bedroomed and 2 four-bedroomed), although the houses seek to create a harmonious group of properties that would reflect closely to each other in terms of their architectural treatment and external finishes. The houses would all be split-levelled to account for the topography of the site. Plots 1-3 would read as 2.5 storey houses from both their front and rear elevations, with Plots 4 and 5 being read as 2.5 storeys (front elevation) and 1.5 storeys at the rear. The design of the houses, whilst all slightly different in terms of scale and massing follow a similar form in terms of their external treatment with traditional dual pitched roofs with subservient front and/or rear off-shots, contemporary rear box dormers, large glazed rear patio doors and feature vertical double height glazing window panels along the side and front elevations. Materials are shown to be red brick, with slate effect roofs.

It is considered that the proposed layout of the houses on this site responds well to the topography of the site and in officers' opinion represents an improvement from that previously approved in outline. Previous concerns raised with the RM application primarily related to the overall scale and massing of the houses, which were viewed to have a very dominating appearance that failed to respond to the scale and massing of neighbouring properties, particularly as some of the plots read as 4-storey townhouses. These concerns in officers' opinion have been successfully addressed with the amended layout allowing the houses to sit more comfortably within the context of the site that works with the topography of the site to achieve a more measured approach to their scale and massing. The revised layout of the houses, with access being taken from Farlow Croft allows the houses to respond better to the adjoining highways, with the houses to Wortley Road following closely the building line to the street, something that the previous scheme failed to achieve. While the properties' rear gardens would back onto Wortley Road, it is considered that this arrangement can be supported in this

instance given the boundary wall to this highway and mature planting would help to limit views of the private gardens from this road. A condition seeking details of all site enclosures should be attached to any grant of planning, which will give officers control over its appropriateness in terms of materials and height. It is also acknowledged that the scale and massing of the houses would be materially larger than the scheme approved at outline, but in officers' opinion, the site can reasonably accommodate 2.5 storey houses with much of the properties' height derived from utilising the topography and existing ground levels of the site. There is no clear justification to limit the houses to single storey or 1.5 storeys only given the context of the surrounding area.

It is acknowledged that the proposed scheme would project forward of No. 2 Farlow Croft. In officers' view, this can be justified given that the site occupies a corner plot. The proposal does not relate to an infill development between existing properties where encroachment beyond an established building line could be harmful, while in this instance, the site's extensive natural screening along its side boundaries to the adopted highways should help limit any harm to street character. It is also material in officers' opinion, which significant weight should be given is that the layout of the houses forward of this property has been previously accepted through the granting of the outline permission.

Overall, it is considered that the proposal represents an acceptable design response to the site's characteristics, with the site able to accommodate five detached dwellinghouses without undermining the appearance of the surrounding and established residential neighbourhood. Cross section drawings submitted with the application evidence to officers' satisfaction that the overall scale and massing of the houses are an appropriate response to the site and would not appear overbearing or have a damaging effect that would be harmful to street character. The scale and massing of the dwellinghouses would not be inconsistent with a number of properties in the area, most notably along Farlow Croft, and can be justified as a variation to the scheme approved in outline. The dwellinghouses are considered to be high design quality with well-proportioned window and door openings that would make a positive contribution to the character of the area. Conditions seeking the submission of all facing materials should ensure a high-quality finish.

It is considered that UDP Policies BE5 and H14 (a), Core Strategy Policy CS74 and government policy contained in the NPPF would be met.

Ecology and Landscape Matters

UDP Policy GE11 relates to nature conservation and development, and it states that the natural environment will be protected and enhanced. It goes on to say that the design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

These policies are broadly consistent with government policy contained in the NPPF at paragraph 174, which sets out that decisions should contribute to and enhance the natural and local environment through measures that include a) protecting and enhancing valued landscapes, sites of biodiversity, and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological

networks that are more resilient to current and future pressures.

Paragraph 180 of the NPPF sets out that when determining planning applications, local planning authorities should apply a number of principles, including a) that if significant harm to biodiversity 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.

Landscape Assessment

The application was accompanied by an Arboricultural Report prepared by AWA Tree Consultants. This survey was undertaken in September 2022.

The tree survey identified 22 individual trees and 6 groups of trees or shrub/hedge groups. Of the surveyed trees, the report details that 1 tree is retention Category U, 23 trees and groups are retention Category C, and the remaining four trees are retention Category B. These trees are largely around the perimeter of the site. The site's significant tree cover consists of smaller trees within dense shrub/hedge groups with the larger trees generally located along the eastern and western boundaries. Most of the trees are semi-mature with several early mature to mature trees. The report details that of the site's trees, two are of arboricultural significance, these being T23 and T26. T23 is a sycamore, and T26 is an oak, both are located close to the southern boundary. Of the other trees surveyed, T16 is a large oak that is situated on adjacent land to the east of the site. This tree is considered to have high amenity value. Along the western edge of the site are two tree groups (G2 and G3). These are a mixture of different aged coniferous trees with one birch tree. These have been assessed as having some collective amenity value and screening value but are individually all lower value.

To accommodate the proposed development, one tree group would be removed (G3). While this group has some amenity value, the trees within the group have been classified as being Category C and are therefore of lower amenity value in terms of retention. The report details that due to the lower value of the trees, their removal will only have a minor negative arboricultural impact. Apart from this tree group, no other trees are proposed to be removed, which will include the retention of the site's Category B trees. The report does however detail that several trees will require crown lifting in order to prevent conflict with the development operations and avoid future nuisance issues as the trees mature. During the construction phase it will be necessary to erect protective fencing such as Heras type fencing for the trees to be retained, the details of which would be subject to a condition.

It is acknowledged that some trees were removed in advance of the application being submitted. This is regrettable for purposes of assessment but as none of the site's trees are protected, their removal did not require prior approval from the LPA. Nonetheless, with exception to a small group to the western side of the site that are shown to be removed, the vast majority of the site's trees would be retained. In doing so, the site will continue to benefit from significant tree cover that would help to soften the built form of the development as well as contributing to the overall landscape quality of the scheme.

Ecology

The application was accompanied by a Preliminary Ecological Appraisal prepared by Whitcher Wildlife Ltd Ecological Consultants. This report details that an initial site survey was carried out on the 19th of August 2022, followed up by a dusk emergence survey on the 30th of August 2022.

The survey found that the majority of the site comprises semi-improved grassland on account of the land being previously managed as a lawn, and a scattering of semi-mature and mature trees. No badger setts or field signs were found within the survey area. The survey also found no bat field signs such as droppings, insect wings or feeding remains within the bungalow and across the surveyed area.

The report details that the bungalow and attached double garage provides negligible potential for roosting bats. This also remains the case in respect of the site's trees, which have all been assessed as providing negligible potential for roosting bats. The survey area is assessed as having moderate suitability for foraging and commuting bats due to being connected to adjacent residential gardens and not being well lit through the night. The site's vegetation and buildings were found to provide suitable habitats for nesting birds.

In terms of the dusk emergence survey, this found a moderate level of foraging within the surveyed area with species including Common Pipistrelle, Soprano Pipistrelle and commuting Noctules, these relate almost entirely to the boundaries of the site, with the most activity on the eastern boundary. No bats were seen to emerge from the building during the survey.

The report recommends that a detailed planting scheme be prepared for the site utilising native species, which along with both bat boxes and swift cups should enable the site to achieve a biodiversity net gain in line with the requirements of the NPPF. Other recommendations of the report include all works to be undertaken outside of the nesting bird season, which extends to March to September, but in the event that works commence between these months, a nesting bird survey should be carried out by a suitably experienced person.

It is considered that the supporting PEA represents a sound and robust assessment of the site's ecological components. Officers fully support all the recommendations set out within the PEA, which upon their implementation and delivery, should provide net gains for biodiversity across the site. The Council's Ecology Section has stated that further assessment for Biodiversity Net Gain (BNG) should be carried out to ensure that the scheme is compliant with policy and delivers the requisite 'net gain' (NPPF 174, 180). It is therefore recommended that conditions be attached that requires the development to be carried out in accordance with the recommendations of the PEA and that a Landscape and Ecological Management Plan (LEMP) be submitted for approval.

Residential Amenity

UDP Policy H14 relates to conditions that new development or change of use proposals in Housing Areas are required to meet. Part (k) states that new development should not lead to air pollution, noise, excessive traffic levels or other nuisance for people living nearby.

This policy is broadly in line with government policy contained in the NPPF, where is

states at paragraph 130 part (f) that decisions should ensure developments 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.

In terms of amenity standards, as described above, the NPPF states that planning decisions should support development that makes efficient use of land, and states at paragraph 125 part (a) that in instances where there is an existing or anticipated shortage of land for meeting identified housing needs, planning decisions should avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In this context, it states at part (c) of this policy that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Also relevant is government policy contained at paragraph 185 of the NPPF, which states that decisions should 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 or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life, as well as protect tranquil areas which have remained relatively undisturbed.

The application is bounded by residential properties to its north and east. No. 2 Farlow Croft lies to its north and No. 216 Wortley Road lies to its east. Residential properties are also located on the opposite side of Wortley Road.

In terms of No. 2, this property is a dormer bungalow and sits approximately 1m beyond the site's northern boundary. It is positioned towards the eastern side of the site's boundary and is orientated in an east-west direction with its primary living accommodation facing away from the application site. Inspection of this property found that it has no main windows within its side gable wall that would be affected by the erection of a house being erected on its southern side. As the nearest house (Plot 4) to No. 2 would not include any windows within its side elevation, it is not considered that the proposed development would harm this property's residential amenity with no significant loss of outlook or overlooking. Being on the southern side of No. 2, the application includes a sunlight study to assess the potential impact of the development on neighbouring properties. This study shows that overshadowing onto the side garden of No. 2 would be minimal and that any overshadowing of this property's garden emanates primarily from the site's existing mature trees that line the northern boundary rather than the proposed house.

In terms of No. 216, this property's principal elevations face away from the application site and does not include any first-floor main windows within its side elevation that would be adversely affected by the development. In addition to this, a distance of over 10m would be maintained between the nearest houses (Plots 4 and 5) to this property's side boundary, which will prevent the houses having an overbearing appearance or lead to any loss of privacy that would be harmful to this neighbouring property's

residential amenity.

Adequate separation distances will exist between the dwellings and properties on the opposite side of Wortley Road to ensure that there is not an adverse impact on the amenities of these occupiers.

CIL Issues

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development.

The development is CIL liable and the site falls within CIL Charging Zone 3 and a CIL charge of £30 per square metre applies. There is an additional charge associated with the national All-in Tender Price Index for the calendar year in which the relevant planning permission is granted (£39.33 per square metres with indexation). All charges accord with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

Other Issues

EPS have also commented that they have no concerns in respect of potential land contamination.

As described, it is noted that the applicant undertook some site clearance in advance of the application being submitted that involved the removal of some of the site trees. This was not endorsed by officers, but as none of the site's trees are protected, separate approval from the LPA was not required. An email was received from the applicant's agent stating that the trees were inspected for nesting birds prior to the trees being removed. While it would have been preferable that the trees were retained as part of the redevelopment of the site, officers have no reason to believe or have evidence to the contrary that suggests that any nests were wilfully destroyed as part of the tree works.

Tilted Balance

As described above, the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites with the revised 5-Year Housing Land Supply Monitoring Report concluding that there is evidence of only a 4-year supply of deliverable supply of housing land. Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date in accordance with paragraph 11(d) of the NPPF. The so called 'tilted balance' is therefore triggered, and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In this instance, there are no protected areas or assets of particular importance and so paragraph 11(di) is not engaged. Consequently it is necessary to balance the benefits and disbenefits of the scheme in line with Paragraph 11(dii).

The NPPF emphasises the importance of delivery of housing, and that importance is heightened with the tilted balance engaged in this case, such that recommendation to support the proposed development is strengthened. The provision of housing is

afforded significant weight.

The application site is situated in a Housing Area where housing is the preferred use of land. The principle of developing the site at the density proposed has been established with the granting of outline planning permission in 2020. While the proposal includes the loss of trees, the number of which is not considered to be harmful to landscape character with the site continuing to benefit from extensive tree coverage, which include the retention of trees that are of high arboricultural value. The loss of trees could be compensated by additional tree planting through the attachment of conditions.

It has been found that vehicular access from Farlow Croft would not lead to any significant highway safety concerns with good visibility onto the highway and adequate on-site parking to serve the dwellinghouses. It is also considered that the residual cumulative impacts on the road network would not be severe given the modest scale of the development.

It is considered that the houses are of high design quality, which will make a positive contribution to the streetscene. No significant objection is raised in terms of the scale and massing of the houses, which respond positively to the site's characteristics and topography or in terms of the proposed layout from that previously approved.

It has also been found that the development would not lead to any adverse effect on the residential amenity of neighbouring properties with no significant loss of privacy, outlook or overshadowing. The residents of the houses would be afforded with a high level of residential amenity, with well appointed accommodation and good-sized gardens commensurate to family housing.

The proposal is not considered to represent the overdevelopment of the site, with the density not inconsistent with a number of properties in the area. The density (18 houses per hectare) also falls below the density range set out in Policy CS26 for new housing developments in remaining parts of the urban area (between 30 to 50 dwellings).

The balance is considered to be in favour of approving this application, as there are no significant adverse impacts that would significantly and demonstrably outweigh the benefits of the development. The provision of 5 dwellinghouses will contribute to meeting the current shortfall of housing in this sustainable location, to which significant weight should be given.

CONCLUSION AND RECOMMENDATION

This application relates to 218 Wortley Road, a detached bungalow that is situated on the corner of Wortley Road and Farlow Croft in High Green.

Full planning permission is being sought to demolish the existing bungalow and erect five detached dwellinghouses (3 five-bedrooms and 2 four-bedrooms).

For the reasons set out in the report and having regard to all other matters, it is considered that the proposal to erect five dwellinghouses represents an acceptable form of development and would be in general accordance with UDP Policies H10, H14, BE5 and GE11, Core Strategy Policy CS74 and government policy contained in the

NPPF.

It is therefore recommended that full planning permission be granted subject to the conditions proposed.

Case Number	22/02840/FUL
Application Type	Full Planning Application
Proposal	Use of detached, garage building as annexe to main residence at no. 23 Hanson Rd to form external store/ garden room including alterations/ extension to create 1st floor level office space with first floor 3no. bay window (resubmission of application 22/01897/FUL) (Amended description)
Location	Garage Site At Rear Of 23 To 31 Hanson Road Sheffield S6 6RF
Date Received	01/08/2022
Team	North
Applicant/Agent	Latham Davies Limited
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing 23-HRD G DWG PL-02 Rev B Existing and Proposed Site Layout and Roof Plan published 13th October 2022

Drawing 23-HRD G DWG PL-03 Rev B Existing and Proposed Internal Floor Plan published 13th October 2022

Drawing 23-HRD G DWG PL-04 Rev B Existing and Proposed External Elevations published 13th October 2022

Drawing 23-HRD G DWG PL-05 Rev A Proposed Site Cross Sections published 13th October 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. 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.

Other Compliance Conditions

4. The use of the annex shall at all times remain incidental to the enjoyment of the main dwelling of No.23 Hanson Road and the annex shall not be sold or let as a separate dwelling and shall only ever be used by immediate family members of the occupiers of the main dwelling.

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

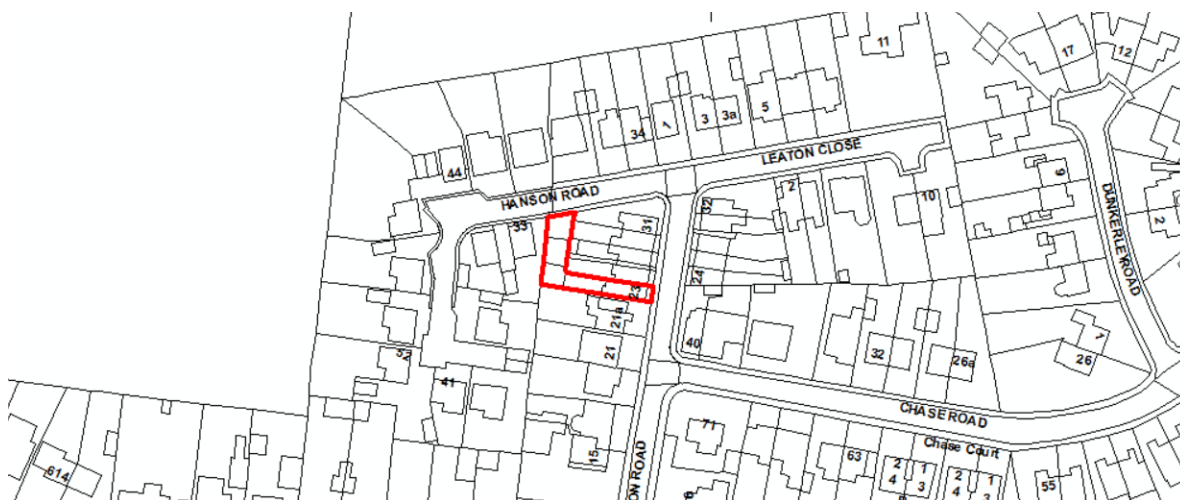
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings,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

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

Attention is Drawn to the Following Directives:

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

Site Location



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LOCATION AND PROPOSAL

The application relates to a site that is currently occupied by a detached double garage. This abuts the rear gardens of terraced properties on Hanson Road. The land falls away to the south. To the west are further residential properties in the form of a more recent housing development.

Planning permission is sought to convert the garage into an annex to be used in connection with one of the neighbouring terraced properties. The roof would be altered to present a gable end to the highway and the roof and walls clad in black metal sheeting. Within the roof an office space is proposed. This would be lit by way of roof lights and a high-level window on the rear elevation as well as a bay window on the front elevation.

On the ground floor the front portion of the garage would be used for storage purposes, retaining the roller shuttered garage door. The rear portion would be used as a garden room with a w.c. and spiral staircase in the central section of the building.

The yard area to the rear of the building has already been opened up, providing a larger garden for No.23 Hanson Road. Two parking spaces would be retained to the front of the building.

The site is identified on the Sheffield Unitary Development Plan (UDP) Proposals Map as being within a Housing Area.

SUMMARY OF REPRESENTATIONS

Neighbours were originally notified of the application in August. As a result 8 representations were received objecting to the development, including a representation from the local ward Councillors - Cllrs Richard Williams, Penny

Baker and Vickie Priestley.

Amended plans were submitted in October and neighbours re-notified. As a result 8 representations, plus a letter sent on behalf of Cllrs Richard Williams, Penny Baker, and Vickie Priestley was received again.

The letter from the Councillors sets out that the amended plans would be overbearing on a number of neighbour properties due to the increased height and the re-orientation of the roof of the building, which will bring the bulk of the roof into closer proximity to the neighbours. The development would result in a loss of privacy and amenity, which would be exacerbated by the topography. The development would not assist with on-going car-parking issues in the local area. It would be out of character with other properties in the immediate vicinity in terms of design and materials, therefore having a detrimental impact on the local street scene.

If, however, the Committee is minded to approve this application, the Councillors set out that they would request that a condition be added to ensure that the new building cannot be used as a separate dwelling to the main house.

Issues raised by neighbours are summarised as follows:

The timeframe for neighbours to object is inadequate. The amendments to the scheme are minor and do not overcome previous concerns.

The site has been the subject of numerous applications for a new dwellinghouse, all of which have been rejected. This seems to be an underhand way of gaining a dwellinghouse on the site, with the plans showing the inclusion of a bathroom and kitchen area.

The development would result in a loss of privacy to occupiers of neighbouring dwellings. The large areas of glazing would allow for overlooking into the neighbouring dwellings and gardens.

There are already substantial problems with on street parking on Hanson Road and the development would put further pressure on on-street parking, increasing the footprint of the building to the front of the property, thereby reducing the area available for parking.

The development, through the alterations to the roof and proposed materials would be overly dominant and out of keeping in the street scene.

The proposal would result in significant overshadowing and loss of light to neighbouring properties.

The development would result in increased noise and general disturbance.

The proposal would result in light spill from the development which would adversely affect neighbours.

The property could be used as a holiday let.

Other non-planning related matters including loss of view have also been raised.

PLANNING HISTORY

The site has been the subject of several planning applications. Earlier this year a similar application for the conversion of the building into an annex was withdrawn. The plans proposed by that application sought to extend the building beyond the existing footprint to the front and rear, featured more glazing to the upper floor and a pergola beyond the rear elevation of the building. Application 22/01897/FUL refers.

Prior to that planning permission was refused for the change of use of the garage to a single dwellinghouse by application 20/00379/FUL. An appeal against this refusal was submitted.

The Planning Inspector found that the development would be detrimental to the character and appearance of the locality and would also give rise to unacceptable overlooking to neighbouring properties. In addition occupiers of the development would be overlooked. The appeal was dismissed.

Planning permission was refused for the change of use of the garage to a single dwellinghouse by application 19/01411/FUL. The application was refused as it was considered that the development would have an adverse effect upon the character and appearance of the area; occupiers of the dwellinghouse would not be afforded adequate living conditions and the development would result in unacceptable overlooking to neighbours.

The applicant lodged an appeal but did not provide all of the necessary paperwork to the Planning Inspectorate within the specified timescales. As such the appeal was returned and not considered.

Outline planning permission for the erection of a dwellinghouse on the site was refused by application 16/01520/OUT. This was an outline application. Access and landscaping were considered with all other matters reserved for subsequent approval. Indicative plans were provided which showed the proposed dwellinghouse to be two storeys with an open plan living area on the ground floor and two bedrooms on the floor above.

The application was refused as it was considered to be an overdevelopment of the site which would be detrimental to occupiers of neighbouring properties, contrary to UDP Policy H14, the Council's SPG on Designing House Extensions and Core Strategy Policy CS26.

Planning permission for the erection of the garage was granted by application 02/02897/FUL.

PLANNING ASSESSMENT

Background

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

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

The NPPF is a material consideration in planning decisions. The NPPF was published in 2012 and was most recently revised in July 2021.

Assessment of a development proposal also needs to be considered in light of paragraph 11d) 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:

- i) 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
- ii) 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.

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.

UDP Policy H10 sets out that in such areas housing is the preferred use, subject to compliance with other Development Plan Policies as appropriate.

Policy H14 sets out that within Housing Areas new development will be permitted provided new buildings would be in scale and character with the site and the site would not be overdeveloped or deprive residents of light, privacy or security.

Paragraph 119 of the revised NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The National Planning Policy Framework (paragraph 130) also states that developments need to contribute towards creating visually attractive, distinctive places to live, work and visit, whilst also being sympathetic to local character. Innovation should not be prevented but developments should add to the quality of an area whilst providing a high standard of amenity for existing and future users.

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

Effect on Character and Appearance

The street scene is varied. To the east of the site are traditional terraced dwellings. These are stone fronted, generally with brick to the side and rear elevations and slate roofs.

On the opposite side of the street are a mixture of detached and semi-detached dwellings of brick and render construction. These properties have hipped and gable ended roofs that are tiled.

To the west of the site is a relatively new development of detached properties faced in stone with slate roofs.

The existing garage is of brick construction with a tiled roof with the ridge running parallel to the highway. The proposed alterations would see the roof replaced and rebuilt so that the ridge runs parallel to the neighbouring terraced dwellings with gable ends facing north and south.

The building would have a contemporary appearance, clad in black metal sheeting with oak soffits and gable panels. On the front elevation the cladding would project slightly to the front so that the garage door and window above are recessed (the actual footprint of the building would remain the same).

There are no other properties that look like this in the immediate vicinity; however the same could be said for the existing garage which has a squat appearance and is at odds with the two-storey neighbouring properties. The turning of the roof, although not significantly increasing the height of the roof of the building, will give the building more verticality and the gable to the highway would mirror that of the

neighbouring terraces.

The proposed materials are different to those on neighbouring dwellings; however there is a wide mix in the area and it can be argued there is not a single over riding material. Paragraph 130 of the NPPF sets out that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture 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.

Paragraph 134 sets out that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. 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 in an area, so long as they fit with the overall form or layout of their surroundings.

It is considered that the development would bring about improvements to the appearance of the building and on balance the overall street scene, adding to the eclectic mix of building styles in the vicinity. This is on the proviso that high quality materials are used. Paragraph 135 of the NPPF sets out that local planning authorities should seek to ensure that the quality of approved development is not diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved materials). It is recommended that should planning permission be given, a condition is attached requiring details of all external materials to be provided.

In terms of the effect development would have upon the character and appearance of the area the proposal is considered that on balance the development would accord with UDP Policy H14, as well as paragraph 130 and 134 of the revised NPPF.

Effect Upon Neighbours

The proposed development would utilise the roof space, creating an upper floor and room within the roof which would be used as an office. A 'standard' window would be inserted on the gable on the front elevation. This would face onto the highway with a distance in excess of 21m to the dwellings on the opposite side of the road, which are at a higher level. The separation, across the street would be greater than that of neighbouring properties as the building is set back from the highway. It is considered that unacceptable levels of overlooking in this direction would not occur.

On the rear elevation on the upper floor a high-level window is proposed. This too would not result in overlooking, as can be demonstrated by the site cross sections.

Two arrays of roof lights are also proposed. These are to be set high on the roof at ridge level and so people using the room would not be able to see out from them.

On the ground floor no new windows are proposed on the front elevation. To the

rear a set of bi-folding doors are proposed. These are to replace an existing window and door.

The building is surrounded by neighbouring residential properties; however the development would not give rise to significantly greater overlooking from the ground floor windows, the ground floor and gardens of neighbouring dwellings to the south being largely screened by the existing boundary walls.

The building is overlooked by neighbours; however what needs to be remembered here is that this is not creating a new dwellinghouse, it is creating an annex to be used by occupiers of the neighbouring terraced property (No.23) who are already overlooked to a degree by neighbours.

It is acknowledged that previous schemes for the conversion of the garage for use as a separate dwellinghouse have been refused on the grounds that the development would result in unacceptable levels of overlooking and that occupiers of the property would in turn be overlooked, however, the current proposal is different. The use of the building will not be as intense, upper floor windows to the rear would be high level as would the roof lights which also run in a different direction to previous proposals.

Similarly, as the development would not result in an intensification of use, it is not introducing an additional family into this space, and so would not result in greater noise and general disturbance to people using neighbouring gardens. In terms of privacy it is considered that the development would not be harmful to residential amenity.

The alteration to the roof would improve the outlook from the terraced properties to the east on Hanson Road. These properties have rear off-shots and some have been extended. Rear gardens are generally open and several of the properties have small outbuildings / sheds which sit along the boundary with the building. At the closest point there is a separation distance of around 11m from the building to the rear of the dwellings. The development will increase the height of the eaves (by less than 0.75m). It is considered that this increase in height would be mitigated by the fact that rather than facing the brick gable of the building as at present (which is significantly higher than the increased eaves height), the properties would look towards a roof which would be sloping away from them.

The overall height of the building would not be significantly increased, and it is considered that the proposed alteration would not result in significantly greater overshadowing or loss of light to properties to the east, particularly given the orientation.

The oversailing roof would project slightly to the front of the building. There is adequate separation from the site to properties on the opposite side of Hanson Road to the north to prevent unacceptable overshadowing.

To the west there is a gap to the neighbouring dwelling (No.33) of around 2.5m at the closest point. The rear the building would not extend any further into the yard area than existing. The increase in height of the eaves and re-orientation of the

roof may result in a degree of increased overshadowing to No.33 at certain times of the day; however the 45-degree rule would not be breached and any additional impact would be modest. On balance it is considered that unacceptable levels of overshadowing or loss of light would not occur.

The rear yard to the garage has been opened up to connect to the rear garden of No.23, thereby increasing the amenity space afforded the occupiers of this dwellinghouse. No significant alterations to the boundary treatments are proposed.

It is considered when considered in the round, the development would comply with UDP Policy H14 and paragraph 130 of the revised NPPF in terms of the effect the development would have upon residential amenity.

It is however recommended that conditions be imposed removing permitted development rights (so further additions / alterations cannot be made without the need for planning permission) and restricting the use of the building so that it can only be used in connection with the neighbouring dwellinghouse. This is particularly important given the past planning history of the site.

Highways

The development would see the loss of the use of the building for parking (in any case the building is used for storage purposes rather than parking); however being set back more than 5m from the highway, two parking spaces in front of the building would be retained. The development would have no impact upon highway safety.

RESPONSE TO REPRESENTATIONS

Issues of the effect the development would have upon the character and appearance of the area, residential amenity and highway safety have been covered elsewhere in the report.

Future intentions for the use of the building cannot be considered here and this would not be a valid reason for withholding planning permission. The application proposes the use of an existing building for residential storage purposes, as a garden room and home office above in connection with a neighbouring home.

It is acknowledged that in the past planning applications for the conversion of the building have been rejected; however these proposals have involved an intensification of use.

As set out above it is recommended that should planning permission be granted conditions be imposed restricting the use.

The development may result in increased light spill from the rooflights and windows; however the building is within a dense residential area and it is not considered that this would provide sufficient justification for a refusal of the scheme. It is considered that any light spill from the proposal would not result in significant harm to the occupiers of neighbouring property.

The period that neighbours were given to make representations was adequate and in line with local planning authority's protocols and procedures. The same number of representations were received at each round of public consultation.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the conversion of an existing garage into a residential annex to be used in connection with a neighbouring dwellinghouse.

The site is within a housing area and is surrounded by residential properties.

The proposed alterations would see the roof over the building altered and the building clad in dark metal sheeting and oak panels. The building would have a striking modern design; however, provided good quality materials are used it is considered that on balance it would not be harmful to the character and appearance of the area.

It is also considered that the development would not result in unacceptable levels of overlooking to neighbouring dwellings and gardens or result in excessive overshadowing or loss of light, noise and general disturbance. On balance it is considered that the development would not be harmful to residential amenity.

The development would accord with policies contained within the UDP Policy, Core Strategy and the revised NPPF.

It is recommended that planning permission be granted with conditions requiring full details of all materials, removing permitted development rights and restricting the use so that the annex cannot be used, sold or let as a separate dwellinghouse.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 6 December 2022

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the replacement of existing advertising billboard display with single sided, internally illuminated digital LED poster display at 198 Brook Hill, Sheffield, S3 7HE (Case No: 22/01693/HOARD).

(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-storey side and rear extension, and extension of rear decking at 156 Bevan Way, Sheffield, S35 1RJ (Case No: 22/01436/FUL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the installation of 15 metre slim line Street pole with built-in cabinet and 3no. separate equipment cabinets (Application for determination if approval required for siting and appearance) at junction of Hartley Brook Road and Beck Road, Sheffield, S5 0GA (Case No: 21/04985/TEL) has been dismissed.

Officer Comment:-

The Inspector considered that the openness of the site, by virtue of the wide pavement and significant setback of houses would serve to emphasise the dominant appearance of the proposed mast. The immediate context provided no meaningful screening and the mast would appear out of scale and keeping in the residential setting, forming an incongruous feature which would adversely affect the character and appearance of the street scene and wider area.

The Inspector was also not satisfied that a thorough review of possible site options within the cell search area had been conducted. The level of detail for discounting sites was vague and without robust justification.

(ii) To report that an appeal against Council for the non-determination of an application for planning permission for the removal of the requirement for turning head (Application under Section 73 to vary condition (2. Approved plans) and remove conditions (15. and 16. Turning head); As imposed by planning permission 19/02364/FUL - Application to relocate the turning head (Application under Section 73 to vary condition No. 2. (approved plans) and to vary condition no's 3. (hard & soft landscape scheme) 6. (scheme of sound insulation works) & 7. (validation testing) as imposed by planning permission No. 15/03924/FUL - Demolition of existing building and erection of three dwellinghouses and garages)) at Navarda House, Shelley House and Jeremy House, Rotherham Road, Halfway, Sheffield, S20 8GL (Case No: 21/04912/FUL) has been dismissed.

Officer Comment:-

The Inspector concluded that not providing the turning head which was required by the planning conditions would give rise to vehicle conflict and have an unacceptable risk to the safety of highway users. This would be contrary to UDP Policies BE9 and BE10 and paragraph 111 of the NPPF. They did not accept that vehicles could easily turn within the existing road, which was the appellant's argument.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of an 18m high Phase 8 street-pole with wrap-around cabinet and provision of associated equipment cabinets (Application to determine if approval is require for site and appearance) at 5G telecommunications pole, Owlthorpe Greenway, 95M from junction with Thorpe Drive, Sheffield, S20 7JU (Case No: 21/04628/TEL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being the effect of the development on the character of the area, and whether any harm is outweighed by the need for the installation and a lack of alternative sites.

They noted the mast would be viewed in the context of the open grass verges and two storey gables of residential property and would be significantly taller than the dwellings and neighbouring trees and street furniture and although located away from pedestrian areas, no attempt had been made to integrate the mast and cabinets into the street scene. They concluded it would represent an incongruous feature creating visual clutter and would be harmful to the street scene in conflict with UDP Policy BE14 and H14. Whilst significant weight was attached to the importance of providing for telecommunications, this did not outweigh the harm.

In addition, the Inspector was not convinced by the appellants description of alternative site search and opportunities for mast sharing in that this was not adequately evidenced.

The appeal was therefore dismissed.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a single-storey building to form an office with parking provision (Use Class E) at land to rear of 192-196 Cundy Street, Sheffield, S6 2WP (Case No: 21/03527/FUL) has been dismissed.

Officer Comment:-

The Planning Inspector concluded that the proposed parking space close to the rear of adjacent residential would result in unacceptable noise and disturbance to residents as a result of noise, disturbance and light pollution from vehicle movements.

The Inspector did not consider that the building would be overbearing, overshadowing or result in a loss of privacy to neighbouring residents owing to its single-storey form.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the demolition of garages/storage buildings and erection of 1no. dwellinghouse including access, landscaping and parking provision at garage site next to 73 Dungworth Green, Sheffield, S6 6HE (Case No: 21/03010/FUL) has been dismissed.

Officer Comment:-

The Inspector did not consider that the proposed dwellinghouse could be considered as infill development given that it was the last developed area of land at the edge of the village and did not fill a gap between built development.

The proposal was considered to be inappropriate development and could not benefit from the exemption at Paragraph 149 (g) of the Framework as it would have a greater impact on the openness of the Green Belt. The Inspector did not find that any special circumstances outweighed the harm to the Green Belt and any other harm was clearly outweighed by other circumstances and so the appeal was dismissed.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 17.5 metre streetpole with 6 no. antennas, 1 no. GPS module and associated cabinets (Application for determination if approval required for siting and appearance) at land adjoining Manor House, 706 Stannington Road, Sheffield, S6 6AJ (Case No: 21/02365/TEL) has been dismissed.

Officer Comment:-

The Planning Inspector concluded that the mast would be clearly seen in

views along the highway and at various vantage points in Stannington Park. The mast would be viewed in the context of an open and green site with low level structures being less than half the height of the mast. The mast would appear as an obtrusive feature and would result in harm to the character and appearance of the area.

The Inspector also found the alternative site search to not be robust enough and was not convinced that a less harmful alternative had been properly explored.

(vii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the demolition of existing buildings and erection of 7-storey office building (Use Class E) with ground floor commercial unit (flexible retail and/or other Use Class E), with associated cycle parking at 39-43 Charles Street and 186-194 Norfolk Street, Sheffield, S1 2HU (Case No: 21/02206/FUL) has been dismissed.

Officer Comment:-

The Inspector considered that the main issues were the effect of the proposed development upon the living conditions of neighbouring occupiers at Berona House, St Paul's Chambers and the Prudential Assurance Building with particular regard to levels of daylight and sunlight, and the effect on outlook; and whether the proposed development would preserve or enhance the character or appearance of the City Centre Conservation Area, having particular regard to the effect on the significance of non-designated heritage assets at Berona House and St Paul's Chambers and the effect on the setting of the Grade II listed Prudential Assurance Building.

On living conditions they concluded that, given the proposed building would occupy the full width of the site for 7 storeys, it would materially worsen the existing poor levels of daylight for Berona House and the Prudential Assurance Building as well as reduce levels of sunlight to St Paul's Chambers and its courtyard. These impacts and the impact on outlook from these properties would adversely affect living conditions and be contrary to UDP Policy S10 and paragraphs 119, 124 and 130 of the NPPF.

On Heritage Impact they concluded that there would be no harm to the Prudential Assurance building but the development would harm the non-designated heritage assets of Berona House and St Paul's Chambers due to the proposed design scale and materials proposed which would fail to respond positively to the prevailing character. This harm would be less than substantial but was not outweighed by the public benefits as they could be potentially derived from a different scheme and there was no viability information to come to a different conclusion.

4.0 APPEALS DECISIONS – ALLOWED

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

refuse planning permission for the alterations/extension to roof to provide additional habitable space including rear dormer with juliette balcony and provision of rooflights to the front elevation at 9 Norton Lees Square, Sheffield, S8 8SP (Case No: 21/05105/FUL) has been allowed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the development upon the character and appearance of the host property and the street scene with particular reference to creating a terracing effect.

They noted the dwelling was a 2-storey property on a street of similar properties many of which were extended, as was the host property, with a 2 storey side extension with hipped roof, which lies immediately adjacent to and abutting a two storey side extension of the neighbouring property (no.7), with a full gable roof form.

The Inspector noted the street scene was dominated by hipped roofs but felt the proximity of the gable at no7 set a precedent for the proposal and felt that a terrace had already been created by the sideward extension of no's 7 and 9 with an absence of any gap. They disagreed with officers that the loss of the 'v' shaped gap between the roofs would be harmful or create an additional impression of terracing. In addition, they acknowledged a slight difference in land level which was a contributing factor.

They did not therefore find conflict with policy H14 of the UDP and allowed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the installation of 18m high 'slim line' Streetpole with built-in cabinet and 3no. separate equipment cabinets to be positioned alongside existing street furniture (Application for determination if approval required for siting and appearance) at Birley Spa Lane Street Works, Birley Spa Lane adjacent to junction with Dyke Vale Avenue, Sheffield, S12 4EL (Case No: 21/05066/TEL) has been allowed.

Officer Comment:-

The Inspector identified the main issue as being the effect of the siting and appearance of the mast on the character and appearance of the area, and pedestrian movement.

The noted the mast would be located on a grass verge at the junction of Birley Spa Lane and Dyke Vale Avenue, set against a backdrop of trees and hedges. Though the Inspector accepted the mast would be taller than the trees and existing street furniture they did not consider the installation and its cabinets would be intrusive given it was set back significantly from the highway and would be read against the backdrop of the trees. They were therefore satisfied it had been sited to minimise visual impact and avoided harm to the character and appearance of the area, and as such was not in

conflict with policy H14 of the UDP.

The Inspector did not agree that the siting within the grass verge between two footways would result in a narrowing or a perception of the narrowing of the adjacent footways such that would impinge upon pedestrian movement and found it acceptable in this regard.

The appeal was therefore allowed.

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 ENFORCMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

6 December 2022

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