

Planning and Highways Committee

Tuesday 18 April 2023 at 2.00 pm

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

The Press and Public are Welcome to Attend

**Agenda Item No. 7a - REPORT CLARIFICATION - Planning
Application No. 22/01020/FUL - Building between Cotton Street and
24, Alma Street, Sheffield, S3 8SA**

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

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
18 APRIL 2023**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 12)
Minutes of the meeting of the Committee held on
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Applications Under Various Acts/Regulations** (Pages 13 - 14)
Report of the Head of Planning.
- 7a. Application No. 22/01020/FUL - Building Between Cotton Street And 24 Alma Street, Sheffield, S3 8SA** (Pages 15 - 48)
- 7b. Application No. 22/04564/FUL - Shepley Spitfire, 56 Mickley Lane, Sheffield, S17 4HD** (Pages 49 - 60)
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 61 - 68)
Report of the Head of Planning.
- 9. Date of Next Meeting**
The next meeting of the Committee will be held on a date to be advised.

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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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Planning and Highways Committee

Meeting held 14 March 2023

PRESENT: Councillors Dianne Hurst (Joint Chair), Alan Woodcock (Joint Chair), Mike Chaplin, Roger Davison, Barbara Masters, Bob McCann, Peter Price, Garry Weatherall, Cliff Woodcraft, Tony Downing (Substitute Member), Bernard Little (Substitute Member) and Henry Nottage (Substitute Member) (minute no. 8b only).

1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Nighat Basharat, Tony Damms and Brian Holmshaw.
- 1.2 Councillor Tony Downing acted as substitute for Councillor Tony Damms
- 1.3 Councillor Bernard Little acted as substitute for Councillor Brian Holmshaw.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest made.

4. MINUTES OF PREVIOUS MEETING

- 4.1 **RESOLVED:-** that the minutes of the meeting of the Committee held on 14th February 2023 were approved as a correct record.

5. SITE VISIT

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

6. TREE PRESERVATION ORDER NO. 460 - 20 TOTLEY HALL CROFT, TOTLEY, S17 4BE

- 6.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 6.2 The owner of the tree had contacted the Council with concerns regarding the potential impact that development of the neighbouring site would have on the tree.
- 6.3 The Community Tree Officer had visited the site and carried out a TEMPO assessment which had identified the tree as suitable for protection.
- 6.4 No objections had been received.
- 6.5 **RESOLVED:-** That Tree Preservation Order No. 460 be confirmed unmodified.

7. TREE PRESERVATION ORDER NO. 462 - MOUNT PLEASANT COMMUNITY CENTRE, SHARROW LANE, SHEFFIELD, S11 8AE

- 7.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 7.2 A Council Landscape Officer had requested that the trees be inspected due to receipt of a planning application for the site.
- 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. 462 be confirmed unmodified.

8. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

8a.1 PLANNING APPLICATION NO. 21/01694/FUL - LAND REAR OF DIXON DAWSON CHARTERED ARCHITECTS, 6 MOOR OAKS ROAD, SHEFFIELD, S10 1BX

- 8a.1 An additional representation had been received from the Chair of the BBEST Neighbourhood Planning Forum and was reproduced in full, along with the officer response in the supplementary report, circulated and summarised at the meeting. Information regarding the Draft Local Plan and a corrected condition were also included within the supplementary report.
- 8a.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.

- 8a.3 Councillor Angela Argenzio attended the meeting and spoke against the application.
- 8a.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 and also having regard to representations made at the meeting.
- 8a.5 **RESOLVED:-** That an application for approval of planning permission be GRANTED, conditionally subject to Legal Agreement, for the reasons set out in the report and supplementary report, now submitted, for the erection of 13 apartments in a three/four storey block with associated, landscaping, parking and formation of access at Land rear of Dixon Dawson Chartered Architects, 6 Moor Oaks Road, Sheffield, S10 1BX (Application No. 21/01694/FUL)

8b. PLANNING APPLICATION NO. 22/01020/FUL - BUILDING BETWEEN COTTON STREET AND 24, ALMA STREET, SHEFFIELD, S3 8SA

- 8b.1 As the application had been deferred at the meeting held on 14th February 2023 to allow for clarification of the designation and implications for the site in the Publication Draft Local Plan, Councillors Mike Chaplin, Tony Downing, Bernard Little, Barbara Masters and Alan Woodcock left the meeting as they had not been present at the previous meeting to hear the officer presentation and public representations.
- 8b.2 Councillor Henry Nottage entered the meeting as he had been present at the previous meeting as substitute for Councillor Brian Holmshaw.
- 8b.3 A report clarification, additional conditions and supplementary information were included within the supplementary report circulated and summarised at the meeting.
- 8b.4 The Officer detailed the contents of the supplementary report in respect of the Draft Local Plan and presented an image of the area showing the Draft Local Plan designations of the application site and other areas to the North.
- 8b.5 Robin Hughes attended the meeting and spoke against the application.
- 8b.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 reports, now submitted and also having regard to representations made at the meeting.
- 8b.7 **RESOLVED:-** That an application for approval of planning permission be

GRANTED, conditionally subject to Legal Agreement, for the reasons set out in the report and supplementary reports, now submitted, for alterations and conversion of building from light Industrial (Use Class E) to create 14 dwellings (Use Class C3) (amended plans received 21.11.2022) at Building between Cotton Street and 24 Alma Street, Sheffield, S3 8SA (Application No. 22/01020/FUL).

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 by the Secretary of State.

10. DATE OF NEXT MEETING

- 10.1 The next meeting of the Planning and Highways Committee would be held on Tuesday 18th April 2023 at 2pm in the Town Hall.



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Head of Planning

Date: 18/04/2023

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley and Lucy Bond

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	22/01020/FUL (Formerly PP-11076299)
Application Type	Full Planning Application
Proposal	Alterations and conversion of building from light Industrial (Use Class E) to create 14 dwellings (Use Class C3) (amended plans received 21.11.2022)
Location	Building Between Cotton Street And 24 Alma Street Sheffield S3 8SA
Date Received	14/03/2022
Team	City Centre and Major Projects
Applicant/Agent	Citu Developments LLP
Recommendation	Grant Conditionally Subject to Legal Agreement

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:

LK-CITUD-ALM-XX-DR-A-02-001 Rev P2 - Location Plan

LK-CITUD-ALM-XX-DR-A-04-001 Rev P2 - Proposed Site Plan

LK-CITUD-ALM-1-DR-A-04-002 Rev P3 - Ground Floor GA Plan

LK-CITUD-ALM-1-DR-A-04-003 Rev P4 - 1st Floor GA Plan

LK-CITUD-ALM-1-DR-A-04-004 Rev P2 - Minimum 1 Bed House

LK-CITUD-ALM-1-DR-A-04-005 Rev P2 - Maximum 1 Bed House

LK-CITUD-ALM-1-DR-A-04-006 Rev P2 - Proposed Studio House

LK-CITUD-ALM-XX-DR-A-04-007 Rev P4 - Minimum 2 Bed House

LK-CITUD-ALM-1-DR-A-04-008 Rev P3 - Maximum 2 bed house

LK-CITUD-ALM-XX-DR-A-05-001 Rev P4 - Proposed Elevations Sheet 1 of 2

LK-CITUD-ALM-XX-DR-A-05-002 Rev P5 - Proposed Elevations Sheet 2 of 2

2

LK-CITUD-ALM-XX-DR-A-05-005 Rev P3 - Openings Sheet 1 of 2

LK-CITUD-ALM-XX-DR-A-05-006 Rev P3 - Openings Sheet 2 of 2

LK-CITUD-ALM-XX-DR-A-06-001 Rev P4 - Sections

Flood Risk Assessment (by Civic Engineers - job 806-05) dated 20 May 2022

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. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

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

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 details of the existing discharge points and condition of the existing surface water drainage system, including any required remedial/maintenance works have been submitted to and approved in writing by the Local Planning Authority and any works required shall be carried out in accordance with the approved details. The scheme shall include the removal of rainwater goods which disperse directly onto the highway.

Reason: To ensure satisfactory drainage arrangements are provided to serve the site before the development commences and to ensure that the existing drainage system is fit for purpose for the lifetime of the

development.

9. No development shall commence until the improvements (which expression shall include traffic control and cycle safety measures) to the highways listed below have either:

a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use.

Highway Improvements:

- Reconstruction of Alma Street footway (kerbs and surfacing) across the development site frontage in accordance with the Urban Design Compendium, including the provision of pedestrian drop crossings and tactile paving to facilitate unhindered wheelchair mobility where/if necessary.
- Promotion of a Traffic Regulation Order (loading/waiting restrictions in the vicinity of the development site) and provision of associated road markings and signage, all subject to the usual formal procedures.
- Any accommodation works to street furniture, including street lighting columns, traffic signs, road markings, drainage, and Statutory Undertakers equipment because of the development proposal.

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 it is essential that this condition is complied with before any works on site commence.

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

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

11. 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)

12. No development works shall commence until a 'construction management plan', which shall include details of the means of ingress and egress of vehicles engaged in the construction of the development and details of any site compound, contractor car parking, storage, welfare facilities and delivery/service vehicle loading/unloading areas has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

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

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

17. Before that part of the development is commenced, full details of the proposed external materials shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved materials shall be in place before that part of the development is first occupied.

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

18. Prior to the development becoming occupied, full details of secure and sheltered cycle parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority, and provided in accordance with those approved details. The cycle parking shall be retained/maintained thereafter.

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

19. Prior to the removal of the render from the exterior of the building the methodology of such removal and a full specification and methodology for the application of replacement render shall be submitted to and approved in writing by the Local Planning Authority. Works shall then commence in accordance with the approved details and any subsequent render repairs or works to the render shall be in accordance with the approved details.

Reason: In order to protect the original fabric of the building and the character and appearance of the Conservation Area.

20. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of a suitable and sufficient dedicated bin storage area shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the dedicated bin storage area has been provided in accordance with the approved details and, 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.

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

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

22. The dwellings shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the dwellings commencing, and shall thereafter be retained.

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.

23. Full details of the approach to blocked openings shall be submitted to and approved in writing by the Local Planning Authority prior to those works commencing. The details shall include 1:5 scale cross sections showing the

relationship with the external plane of the wall and development shall thereafter be carried out in accordance with the approved details.

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

24. Full details of the proposed design of all external doors shall be submitted and approved in writing by the local planning authority prior to their installation. The details shall include an elevation at 1:20 scale of each door and 1:5 scale cross sections showing full joinery details including any mouldings, panelling and architrave and where relevant the relationship with the external plane of the wall. Development shall thereafter continue in accordance with the approved details and such works shall thereafter be retained.

Reason: In order to ensure that the character of the building is retained and there is no adverse impact upon the character of the Conservation Area.

25. Full details of the proposed design of all new windows shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The details shall include an elevation at 1:20 scale of each window and 1:5 scale cross sections showing full joinery and glazing details including any mouldings, head, lintel and cill details, balconies and relationship with the external plane of the wall. The development shall thereafter continue in accordance with the approved details and the approved and installed windows shall thereafter be retained.

Reason: in order to ensure that the character of the building is retained and there is no adverse impact upon the character of the Conservation Area.

26. Details of the location, specification and appearance of all new services to the building (including meter boxes, outlets and inlets for gas, electricity, telephones, security systems, cabling, trunking, soil and vent stacks, fresh and foul water supply and runs, heating, air conditioning, ventilation, extract and odour control equipment, pipe runs and internal and external ducting) shall be approved in writing by the Local Planning Authority before installation.

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

27. Prior to the development commencing (with the exception of soft strip works) full details of proposals to ensure a Biodiversity Net Gain is achieved as part of the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in accordance with the approved details before the dwellings are occupied.

Reason: In order to ensure a Biodiversity Net Gain in accordance with the requirements of the National Planning Policy Framework.

Other Compliance Conditions

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

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

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

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

30. No doors/windows shall, when open, project over the adjoining footway.

Reason: In the interests of pedestrian 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. Applicants seeking to discharge planning conditions relating to the investigation, assessment and remediation/mitigation of potential or confirmed land contamination, including soils contamination and/or ground gases, should refer to the following resources;
 - Land Contamination Risk Management (LCRM; EA 2020) published at; <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>;
 - Sheffield City Council's, Environmental Protection Service; 'Supporting Guidance' issued for persons dealing with land affected by contamination, published at; <https://www.sheffield.gov.uk/content/sheffield/home/pollution-nuisance/contaminated-land-site-investigation.html>.
3. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH; Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

4. 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.
5. The applicant is advised that in order to discharge the above condition relating to gigabit-capable full fibre broadband the following should be provided:

- A contract or invoice for the installation of the physical infrastructure and the connection to gigabit-capable full fibre broadband.
- Confirmation of the speed that will be achieved by the gigabit-capable full fibre broadband infrastructure, from the network operator.
- Relevant plans showing the location/detail of the measures.

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

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

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

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

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

7. 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

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

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

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

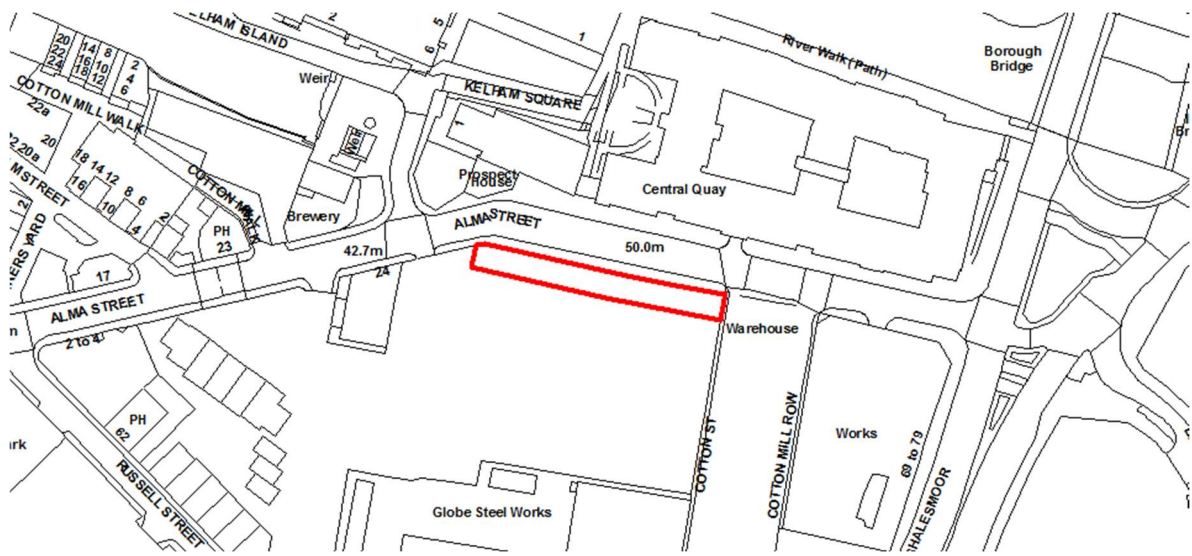
9. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

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.

10. This development has been granted permission on the basis that it is designated as a car/permit-free development. Residents of car/permit-free developments will not be issued with residents parking permits or business parking permits (for businesses registered at the car/permit-free address) in the local area where there is a permit scheme in place. Residents may be eligible for other types of parking permit (carer, visitor, Blue Badge) in the usual way according to the relevant criteria. This applies in respect of future parking permit schemes in the surrounding streets as well as in relation to current permit parking schemes.

Site Location



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LOCATION AND PROPOSAL

The application relates to an existing building situated between Cotton Street and 24 Alma Street in Kelham Island. The building is a terrace, two storeys in height constructed in brick, with render being a later addition, and with a pitched slate roof with chimneys. The building today is all that survives of the former workhouse and cotton mill that occupied the site and is believed to date back to 1805.

The building is located within the Kelham Island Conservation Area. The site is also located within an area designated as a General Industry Area without Special Industries within the Sheffield Unitary Development Plan. The site is also located within Flood Zone 2 (Medium probability)

The building is currently in use by a silversmith and a cabinet maker, and the current use is considered to be light industrial and falls within use class E (formerly B1(c)).

This application seeks to make a number of alterations to facilitate the conversion of the building into 14 dwellings (2 x 2 bed and 12 x 1 bed), falling within use class C3. The alterations include the creation of new openings, the enlargement/closure of existing openings, re-roofing the building, re-rendering the building, and internal alterations to facilitate a layout suited to residential accommodation.

RELEVANT PLANNING HISTORY

There is no planning history of relevance to the determination of this application.

SUMMARY OF REPRESENTATIONS

Consultation – June 2022

Following receipt and advertisement of the original application proposals in June 2022, representations were received from the public, Historic England, Local Members and historic amenity groups.

Public Representations Received

There were 11 representations received regarding the proposal from individual interested parties, as follows:

Existing Building Occupier

- An existing occupier of the premises has commented that it is not correct to say that the building is vacant and there are two remaining businesses within the building.
- The representation refers to the value of their silversmithing business (which takes place in the building) being within the Kelham Island Industrial Conservation Area, and states that it is a heritage trade of the Kelham Area and that the business has clear roots in the area.
- It is stated that the business was encouraged to move to the current site by

the council in 2000 and that it has a role in educating students and its current location makes it accessible. It is questioned as to which is more important, the heritage of the building, or the heritage of the craft i.e. "Should the conservation area be a museum to what was or trying to preserve and encourage what is left and thriving[?]"

- It is also highlighted that by allowing residential buildings all around this site it has resulted in it being hemmed in and that natural light has been blocked, which makes it difficult to carry on work to exacting standards.
- The representation summarises that it has been made difficult to stay and reference is also made to the arrangements for notice and relocation and the impact upon the business.

Other Public Representations Received

In addition to the above, the following points have been made by other individual representations:

Loss of Business / Industry / Heritage

- It is inaccurate to say that the building is vacant, as per the submission.
- There has been a significant change in the area in recent years with new bars, cafes etc and whilst this is welcomed, development should not push out traditional businesses that underpin the cultural heritage of the area.
- The industrial heritage of Kelham is close to feeling like a novelty and the change from an operational silversmiths to a residential property is a backward step.
- The Conservation Area was established to preserve the crafts now under closure.
- If the business is forced to move, they should have their full costs covered and be compensated for any loss of earnings.
- The premises provide a home for two businesses that provide work and services for other craft businesses in Sheffield, as well as students and the local silversmithing community being forced into another location would have an impact upon costs and efficiencies. It will also encourage the use of carbon emitting vehicles.
- Council documents state that, 'Kelham Island was one of the first industrial conservation areas in the country to be designated, in order to protect its special character and heritage' and that 'It is one of the most important areas across Sheffield, identifying the importance and development of the metal trades industry, which formed a huge part of the city's growth throughout the 18th and 19th Centuries.' It is queried whether in considering/approving this scheme that the Council is undermining this and not protecting the businesses (and their reputation) that built the area?
- The heritage of the city (in both Kelham and the City Centre) is being put aside for housing.

Quality of Accommodation / Design Proposed

- The replacement housing proposed is poor- with demolition and open plan workshops turned into small houses.

- The site is flanked by existing and proposed 1 bedroom and studio units, is there a proportional requirement for larger house?
- A query is raised re the appropriate colour of the window frames relative to the historic context of the site.

The Georgian Group

The Georgian Group has submitted a representation. The Group has raised no objection to the principle of renovation and conversion to residential use, but it makes a formal objection to the proposal in the form submitted.

Specific comments include:

- Hallamshire Historic Buildings have already offered a detailed overview of the significance of the old workhouse buildings and which the Georgian Society has nothing to add.
- It is understood that the building is a non-designated heritage asset of early nineteenth century date with considerable local historic significance. The building has been much altered over its history as part of the early nineteenth century workhouse and possibly incorporating parts of an earlier mill it makes a significant contribution to the character and history of the Conservation Area.
- The group commend the applicant for proposing to re-use the buildings rather than demolish and replace.
- The proposed scheme of works is intensive and invasive. There would be significant remodelling of both the interior and exterior of the old workhouse including removal, enlarging and the insertion of openings, chimney stack removal, internal subdivision and fixtures and fittings inc. staircases. The scheme shows little regard for the building's historic character and will cause significant harm to the character of the building and to the historic character of the wider conservation area.
- The removal of chimney stacks and breasts will cause considerable harm to the historic character of the building. Retention in situ would preserve the character and legibility of the history and plan form of the building.
- Whilst it is recognised that some remodelling, insertions and removals of openings may be required to allow the building to be converted, the planned arrangement completely disregards the historic elevation and its legibility. All openings to the south elevation should be retained in their existing positions. New windows should be inserted to blocked openings and windows to be - infilled should be set back as blind windows to allow for legibility.
- Juliette balconies are inappropriate in character and the loss of fabric required for their creation would cause considerable harm and this harm, in the opinion of the society, is not convincingly justified by the small outdoor space offered by the balconies.
- The proposal is contrary to Core Strategy Policy CS74 regarding the enhancement of the distinctive heritage of the building, as the proposal would erase this distinctiveness.
- The approach to the north elevation is commended and a similar approach should be pursued to the south elevation. However, the windows and doors are not of a type appropriate to the age of the building.
- The window in the eastern elevation is poorly justified and any window

should use the existing blocked opening. Similarly, the arched doorway in the western gable should be preserved or recessed as a blind doorway to preserve legibility.

- Further information is requested regarding the condition and survival of internal fixtures and fittings. Any historic fixtures/fittings/decorative schemes should be preserved and incorporated into the renovated building as far as possible.
- S72 (1) Planning (Listed Buildings and Conservation Areas) act 1990 requires LPAs to pay special attention to the desirability of preserving or enhancing the character. The scheme fails to do this. It does not preserve or enhance the conservation area and would cause considerable harm to both the significance and value of the Old Workhouse Building as a non-designated heritage asset, therein harming the Kelham Island Conservation Area.

Hallamshire Historic Buildings

Hallamshire Historic Buildings have made a representation which states:

- The submissions are inadequate and the historical information has been taken verbatim from their comments. There is no acknowledgement for this and there is no analysis. The proposal fails to meet basic requirements of national and local policy.
- Only slate is a suitable roofing material for this property. This should be conditioned.
- Chimneys are described as making a significant space claim but the actual volume is small and not sufficient to affect their viability as dwellings. The claim that they are in poor condition is unsubstantiated. There is no justification for the loss of the large contribution that chimneys make to the significance of a building of his age and type.
- The skylight chimneys are a pastiche that do not protect or celebrate heritage.
- If the brickwork is too poor to be exposed then traditional render should be used and should follow the contours of the building and not impose a modern or rectilinear appearance. It is unclear why a contractor needs to be appointed to specify an appropriate render type.
- The blocking up of openings or their modification without good reason results in substantial and harmful loss to the historic appearance of the building. This is as a result of applying a standardised design rather than working with the asset that they had. Where an opening is truly redundant - rather than by choice of layout – or has been previously blocked up and is to remain so, the opening should be expressed externally by a recess shaped appropriately where the opening is arched.
- The approach to windows should be flexible and reflect the historic structure. It is possible to achieve environmental performance using conservation grade units or secondary glazing – and there are many examples in Sheffield where this has been done. It is not clear what the original scope of window would have been in terms of design, but a conservation architect could advise.

- The applicant states that the brick wall on Alma Street lies outside the development site, but plans show the wall removed and the upper storey of the building with hipped roof lost, whilst the characteristic arched doorway is obscured by a bin store. None of these changes are acceptable. If the wall is to be retained, then a new plan should be submitted showing the wall outside the site.

Sheffield Conservation Advisory Group

Sheffield Conservation Advisory Group were also consulted on the application and have made the following comments:

- Whilst welcoming in principle the desire to bring this building back into use it considered a full Heritage Assessment is required before decisions can be taken. More detail of the interiors is required and more details of the replacement windows and doors would be helpful in assessing the sensitivity of any development of this building which has played an important role in the industrial history of Kelham Island.
- [Note: it has since come to light that the building is still in partial industrial use by Perry, Glossop & Co, silversmiths. Recent photographs show that underneath the external render windows retain flat brick arches and traditional stone sills.]

Historic Buildings and Places

Historic Buildings and Places (working name of the Ancient Monuments Society) have objected, stating:

- The Kelham Island Industrial Conservation Area Statement of Special Interest highlights the development of the site from mill to workhouse and Globe Works as an important contribution to the significance and interest of the area and notes the need to protect unlisted buildings that contribute to the historic character and reflect past industrial use. The building is considered to be a non-designated heritage asset.
- The building was part of the Sheffield Union Workhouse and the platform and location of most fireplaces appear in tact since the publication of the OS Maps for Sheffield, surveyed in 1851 and published in 1853.
- Reference is made to NPPF policies.
- It is noted that the building is in need of modernisation and repair but concern is raised at the approach taken, which does not recognise or seek to enhance the heritage qualities of the site or the conservation area.
- Support is given to the comments made by the Georgian Society and Hallamshire Historic Buildings.
- Original features such as the chimneys should be repaired in situ and the standardisation of the fenestration pattern would be harmful to the understanding of the building, whilst aluminium frames rather than timber would not enhance the character or significance of the conservation area.
- The proposal for new render and a cement fibre roof to match the new buildings adjacent show a lack of understanding about the need for this

early 19th century building to breathe and the use of unsuitable modern materials will likely result in issues in the future. All repairs and fixtures should be carried out using appropriate materials for a building of this age, including the use of an approved lime-based render.

- The status of this building is a non-designated heritage asset with a high level of significance - the alterations proposed would result in a level of harm to the character of the conservation area and is clearly contrary to both the local plan and the NPPF and the application should be withdrawn or refused due to its impact on local heritage.

Historic England

Historic England have advised that advice should be sought from the Council's conservation team.

Local Members

City Ward councillor Douglas Johnson has written on behalf of City Ward Councillors Ruth Mersereau and Martin Phipps to object to the proposal. The following concerns are raised:

- Kelham Island Industrial Conservation Area is the recognition of the industrial and manufacturing heritage of the locality and the historical context of residential and employment uses side by side. This has underpinned the success of Kelham's regeneration, and it was named "Great neighbourhood" by the Academy of Urbanism in 2019. It is stated that the regeneration has been successful and avoided any serious criticism of "gentrification" because development has taken place on disused sites without the existing occupiers being forced out.
- It is falsely claimed that the premises are vacant / unoccupied when they are actually home to "expert, traditional craftsmen in niche metalworking specialisms". The councillors consider that this should not be unchallenged and the application should not be considered until a truthful application and documentation set is provided.
- The application threatens traditional manufacturing businesses in Kelham Island, the loss of which would be to the detriment of the area and would not be outweighed by the addition of a relatively small number of homes, welcome though these would otherwise be
- There will be additional traffic within the neighbourhood which will not be catered for. Concern is raised at the reference to free street parking on Alma Street. This would impact on an area that has benefited from traffic calming with a low traffic neighbourhood and which is set to benefit from the forthcoming Connecting Sheffield active route.
- The local streets more widely are already full of on street parking and is an issue that residents, councillors and officers are seeking to address. It also fails to take into account the proposals for the Kelham parking permit scheme.
- With regards to the proposed design, it is queried whether cutting Juliet balconies into the elevation of Alma Street is appropriate or whether it would damage the historic frontage of the buildings?

Consultation – December 2022

Following the submission of amended plans, a further round of consultation was undertaken by the Council in December 2022. An additional two public representations have been received at the time of writing, including from a cabinet maker who occupies a workshop inside the subject building;-The comments are:

- Longstanding tenants should be notified of the application, this has not been the case.
- The on-site situation is dangerous and access to the workshop premises is dangerous.
- The situation is stressful and uncertain and the maker's livelihood depends upon access to the workshop and machinery there, alongside a water supply and toilet and this is not being honoured. The objector has been a tenant for 16 years and feels that their rights are being ignored.
- It is queried what protection will be offered if planning permission is granted.
- The proposal seeks to replace a busy and fully functioning silversmithing workshop with domestic accommodation. The site is part of a protected area of Sheffield which ensures that noise from silversmiths and metalworkers is accepted as part of the city's industrial heritage.
- Silversmithing is recognised by the Heritage Crafts association as viable, but at risk and is on their red list to highlight the need for its protection.
- Cultural heritage across the country is under threat by the greed of developers which causes problems, not just by pushing traditional skills out of its original site but by removing central city locations it prevents allied trades from collaborating and for young makers to get accessible training.
- This application, in the opinion of the objector, is immoral and threatens the future of silversmithing not only on this site but across the city. Diminishing the city's most famous trade is dangerous and contrary to every effort of national organisations involved in supporting craft.
- The council should protect its industrial heritage and culture which the Conservation Area status sought to protect.

PLANNING ASSESSMENT

National Planning Policy Framework

The National Planning Policy Framework (NPPF) set's out the Government's planning priorities for England and how these are expected to be applied. The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

Policy Context

The Council's development plan comprises the Core Strategy (CS) which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework is also a

material consideration.

Paragraph 11 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 confirms 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 relevant policies of the statutory Development Plan are set out below under each sub-heading, along with an assessment of their degree of consistency with the policies in the NPPF. Conclusions are then drawn as to how much weight can be given to each policy in the decision-making process in line with the requirements of NPPF paragraph 219.

The assessment of this development proposal also 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 NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- (ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The 'certain areas or assets' referred to in (i) includes Conservation Areas and Listed Buildings.

Key Issues

The main planning issues to be considered in this application are:

- The acceptability of the development in land use policy terms,
- The design of the alterations and extensions and their impact on the building itself, the street scene and surrounding Conservation Area,
- The effect on future and existing occupiers' living conditions,
- Whether suitable highways access and off-street parking is provided.

Land Use Principle

Unitary Development Plan

The application site falls within an area identified as General Industry Area B in the

Unitary Development Plan (UDP). Policy IB5 'Development in General Industry Areas' sets out that B2 and B8 uses will be the preferred use in this area. However, it is necessary to note that this policy designation is no longer appropriate following the adoption of the Core Strategy, which identified via policy CS6b that this is an area within the city centre where manufacturing should be encouraged to relocate. This approach is further supported by policy CS17j, which identifies the area as one formerly dominated by industry but now becoming the focus for new housing, and Policy CS27(a), which identifies the area specifically for housing.

Therefore, whilst the concerns of objectors are noted regarding the gentrification of the area and the heritage impact of industry/manufacturing being forced out of the area, it is the case that the Core Strategy contains an established policy intention that the area should change to become housing-led. These policies supersede the UDP, have been through a formal consultation and are considered consistent with the NPPF. As such, they are given substantial weight in assessing the principle of the change of use hereby proposed. Furthermore, this policy approach has been consistently applied in Kelham Island over recent years as the area has changed in line with the vision described above.

In addition to the Core Strategy, the Sheffield City Centre Strategic Vision, sets out the City's plans for a thriving, liveable and sustainable city centre, which includes the site. The document was consulted on in 2022 and the vision has now been approved by the Council. The Vision is intended to form part of a suite of documents for the city, which inform the emerging Sheffield Plan, and it places a strong focus on the City Centre's capacity to deliver new homes (at least 20,000 quoted). It sets out that Area One 'Kelham Island, Neepsend, Philadelphia and Woodside' is a growing residential area characterised by its industrial heritage, which will be protected. The document sets out that there is scope for significant residential growth in this area of a mix of apartments and townhouses, for sale and to rent.

The site is in an area which is marked as 'predominantly residential with community and amenity uses'. The document goes on to say that the housing will be predominantly low to mid-rise and include townhouses (as are proposed here). The document does talk about supporting maker and creative jobs but specifies this as being particularly in the Burton Road area to protect the creative character. It is considered that this document is a material consideration, albeit with limited weight. The inference of the policy is that creative character will be primarily aimed at the Burton Road area and similarly that the industrial heritage to be protected will be in design terms rather than through the retention of manufacturing and industry.

The site sits just outside the boundary of the area covered by the Kelham Neepsend Action Plan 2008-2018, whilst not yet withdrawn, the time period and the superseding documents such as the Strategic Vision discussed above mean that this document carries only very limited weight now.

In considering the above, and noting the concerns of representations received, it is considered that there is a policy basis for supporting the conversion of this building from light industrial use to residential accommodation. Re-use of the site for

housing (Use Class C3) is therefore acceptable in principle.

However, it should be noted that whilst the principle is acceptable, any proposal is also subject to the provisions of Policy IB9 'Conditions on Development in Industrial and Business Areas' being met. These issues are considered in more detail later in this report.

Core Strategy

Policy CS23 of the Core Strategy 'Locations for New Housing' states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. Policy CS24 'Maximising the Use of Previously Developed Land for New Housing' prioritises the development of previously developed (brownfield) sites. Housing on greenfield sites should not exceed more than 12% completions, and part (b) be on small sites within the existing urban areas, where this can be justified on sustainability grounds.

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

Therefore, given the presumption in favour of sustainable development, it is considered that the proposal is consistent with the aims of the Land Use policies in the Development Plan and as such the proposal is acceptable in principle.

Housing Land Supply

The NPPF in paragraph 11 requires local authorities to plan positively to meet development needs and paragraph 119 requires policies and decisions to promote an effective use of land in meeting the need for homes and other uses.

The Council has released its revised 5-Year Housing Land Supply Monitoring Report. This figure includes the updated Government's standard methodology which includes a 35% uplift to be applied to the 20 largest cities and urban centres, including Sheffield.

The monitoring report released in December 2022 sets out the position as of 1st April 2022 – 31st March 2027 and concludes that there is evidence of a 3.63 years' supply of deliverable housing land. Therefore, the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites.

Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date according to paragraph 11(d) of the NPPF. The so called 'tilted balance' is therefore triggered, and as such, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when

assessed against the policies in the NPPF taken as a whole.

In this instance, the site falls within a protected area (namely the Kelham Island Conservation Area) which must be taken into consideration in the tilted balance process.

In this context 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 UDP and Core Strategy.
- Consider the degree of consistency these policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Apply 'the tilted balance' test, including considering if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, having particular regard to the impact of the proposals on the designated heritage asset (the Kelham Island Conservation Area).

Efficient Use of Land

Policy CS26 'Efficient Use of Housing Land and Accessibility' of the Core Strategy encourages making efficient use of land to deliver new homes at a density appropriate to location depending on relative accessibility. The density requirements are a gradation flowing from highest density in the most accessible locations down to lower densities in suburban locations with less accessibility. This is reflected in paragraph 125 of the NPPF and therefore Policy CS26 is considered to carry substantial weight in the determination of this application.

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

The development proposal is considered to balance the need for the effective utilisation of an existing building and the dense, urban character of the area. The proposal is therefore considered to be satisfactory in respect of Policy CS26 and the NPPF.

Design and Impact on the Character of the Conservation Area

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

Core Strategy Policy CS74 'Design Principles' requires development to enhance distinctive features of the area, which is backed up through UDP Policy BE5 'Building and Design Siting' which expects good quality design in keeping with the scale and character of the surrounding area.

Chapter 12 of the NPPF requires well designed places and paragraph 126 states that good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities, which contribute positively towards making places better for people. Paragraph 134 states that planning permission should be refused for development that is not well designed and where it fails to reflect local design policies and government guidance on design. Paragraph 134 also sets out that significant weight should be given to development which does reflect these policies and guidance and 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 within the overall form and layout of their surroundings.

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

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

Paragraph 202 further sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is considered that the design and conservation policies within the UDP and Core Strategy reflect and broadly align with the guidance in the NPPF although the NPPF goes further, such that the local policies can be afforded moderate weight.

Proposed Building Design / Alterations

The works to the building to facilitate its conversion will include alterations to the roof and re-roofing, repairing the chimneys, inserting an additional chimney to the roof-plane, insertion of rooflights, solar panels to the roof, the relocation and blocking up of some existing openings, the enlargement of some openings, including to the rear elevation to facilitate the creation of Juliette balconies, the creation of new openings, the insertion of new window frames, the re-rendering of the elevations, the formation of an upper balcony over a bin store, the creation of an access route to the rear ground floor, alongside general improvement works including guttering and drainage arrangements.

The above works are accepted to be works necessary to secure the conversion of the building into residential accommodation and to improve the energy efficiency and sustainability credentials of the building. There have been several iterations of

the plans during the course of this application, seeking to respond to the concerns of officers. The current proposal is considered to achieve an appropriate balance between the need for the preservation of the historic character of the building and the requirements for the conversion of the building to residential use to secure a viable future for this important building, which is currently in a poor condition.

The key elements which externally add to the character of the building and the Conservation Area, such as the slate roof and chimneys, will be retained and improved/replaced. The rationalisation of the openings to the front elevation to Alma Street is limited and the proposed re-rendering of the building will be required to be of a specification that ensures that it reflects the age of the building and will not appear as a contemporary rendered building with sharp edges. The final details and specification of these key elements are proposed to be secured by the imposition of appropriately worded conditions.

Overall, following the updated proposals submitted, it is considered that the proposal will result in less than substantial harm to the overall character and appearance of this building and the value that it has within the Kelham Island Conservation Area. This harm needs to be weighed against the public benefits of the proposal which are considered later in this report. Nevertheless, it is considered that the alterations to the building in design terms are appropriate.

Impact on Significance

Setting is the surroundings in which an asset is experienced. This does not depend on there being public rights or an ability to access or experience that setting. Settings of heritage assets which closely resemble the setting at the time the asset was constructed are likely to contribute strongly to significance. Paragraph 195 of the NPPF requires the local planning authority to identify and assess the particular significance of the heritage asset that may be affected by the proposal, and this should be taken into account when considering the impact on the heritage asset to avoid or minimise conflict between the asset's conservation and the proposal.

The Kelham Island Conservation Area is an industrial conservation area and as such seeks to protect buildings and features which contribute to the industrial heritage of the area, as well as ensuring that new buildings also contribute to this setting and character. It is relevant to note therefore that whilst located within the Kelham Island Conservation Area, there has been significant new construction around the subject site, including directly to the rear and adjacent. These buildings have all been permitted on the basis that they will not harm the character, setting and significance of the heritage asset (Kelham Island Conservation Area, including the subject site, and the Fat Cat Grade II Listed public house). Where a degree of harm has been identified with schemes in the locality, this harm has been weighed against the public benefits in each case.

The new buildings which surround the subject site therefore add to the significance of the subject building as a historic building within the Conservation Area, but equally provide a context for conversion and amendment noting that the building itself is not a listed building and has been the subject of earlier alterations.

Whilst both the visual and social significance of the building is fully recognised; for the reasons described above it is considered that the building works, as proposed in the latest set of amendments, will not result in significant harm to the significance and setting of the Conservation Area nor the subject building itself. It is relevant to note that the quality and appearance of the building works (including key details and specifications) proposed, to ensure a positive impact upon the heritage asset's setting and significance, can be secured by appropriately worded conditions.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (Kelham Island Conservation Area in this instance), greater weight should be given to the asset's conservation. Paragraph 200 specifically states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Significance can be harmed or lost through development within the heritage asset's setting. Paragraphs 201 and 202 go on to say that where a proposed development will lead to substantial harm, or less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this instance, it is considered that there will be less than substantial harm to the heritage assets. The public benefits of the proposal are to enable the future security and retention of the building with improvements to the structure and fabric of the building; the creation of jobs through the construction process; and the provision of new housing units at a time when the City falls far short of the required 5-year housing supply (only 3.63 years identified).

Overall, the refurbishment will result in a well-designed development and, subject to high quality and appropriate materials being used, it is considered that a successful scheme will be achieved. The proposals are therefore considered to comply with Policies BE5, BE16 and CS74 together with the above quoted paragraphs of the NPPF.

South Yorkshire Archaeology

SYAS have requested that a condition be applied to require a scheme of written investigation and building recording works to ensure that this historic building is appropriately recorded. An appropriate condition is therefore recommended.

Highways

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

UDP Policy IB9 'Conditions on Developments in Industry and Business Areas' requires that permission only be permitted where the development would be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

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

Those policies broadly align with the aims of Chapter 9 of the NPPF (Promoting Sustainable Transport) although it should be noted that in respect of parking provision, the NPPF at paragraph 108 refers to maximum parking standards for residential developments only being set where there is a clear and compelling justification that they are necessary for managing the local road network or for optimising the density of development in city and town centres and other locations that are well served by public transport. Policy CS51 can therefore be given significant weight and IB9 moderate weight.

The site is near to public transport facilities, including the Supertram network, at Shalesmoor, and local amenities. There is no parking proposed as part of this scheme as this is simply not possible given the constraints of the site, but it is recognised that this scheme will be in the area covered by the Kelham Parking Permit Scheme, which is close to implementation. This will see a parking permit scheme implemented for the benefit of the area. The developer has agreed to pay a financial contribution (£1,360) towards the cost of implementation of this scheme and this will be secured by section 106 agreement. This is based on a rate of £85 per bedspace and there are 16 bedspaces in this case (12 x 1 bed plus 2 x 2 bed = 16). The legal agreement to this effect is within the process of being drafted. Residents of this scheme are unlikely to be able to secure a permit in the scheme and this is specified in an informative.

The proposal is not considered to pose a severe impact on the surrounding highway network or on highway safety, therefore complying with UDP, Core Strategy and NPPF policies as listed above.

Living Conditions

Policy IB9 'Conditions on Development in Industry and Business Areas' part (b) requires that changes of use do not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

The NPPF at paragraph 130 Part (f) requires a high standard of amenity for existing and future users. The UDP policy is therefore considered to align with this requirement and should be given significant weight.

Impact on Neighbouring Occupiers

The properties across Alma Street are a mix of apartments and student accommodation, whilst to the rear the redevelopment of the wider site is ongoing for residential dwellinghouses. Directly adjacent to the site is Globe Works for which a planning application has been submitted to change the premises to a music venue and bar. This application has yet to be determined.

The works proposed are limited in terms of the impact upon amenity. The amendments to openings or the creation of new openings is likely to have the greatest impact on both existing and future occupiers.

As an existing building, with no increase in height proposed, it is not considered that overbearing is an issue to neighbouring properties, and the relationship will already be established in the case of future occupiers.

Existing and new windows in the proposed development are positioned to ensure that there will be no detrimental overlooking between future residents and existing neighbouring properties. The properties currently under construction on the site face 'end on' to the subject property and the facing apartments across Alma Street are set across a public highway.

Amenity for Future Occupiers

The proposed dwellings are considered to provide an acceptable outlook from main habitable rooms, with sources of natural light and ventilation. There is limited external space, but it is considered that this is to be expected in this denser urban environment.

The Environmental Protection Service have recommended conditions in respect of sound attenuation and validation of these works alongside testing or potential land contamination to ensure the provision of an appropriate environment for residents.

All of the proposed dwellings exceed the minimum space standards set out within the South Yorkshire Residential Design Guide, as follows:

Studio 37.14m² (design guide minimum 33m²)
Min 1 bed: 46.86 m² (design guide minimum 46m²)
Max 1 bed: 57.75 m² (design guide minimum 47m²)
Min 2 bed house 68.42 m² (design guide minimum 62m²)
Max 2 bed: 92.30 m² (design guide minimum 62m²)

The dwellings will therefore offer a good standard of accommodation, appealing to a range of occupiers.

It is considered that the proposed development would not adversely impact on the amenities of existing occupiers to an unacceptable level, and would provide occupiers of the proposed new dwellings with a good standard of amenity. Accordingly, the proposal complies with UDP Policy IB9 and Paragraph 130 of the NPPF.

Sustainability

The NPPF advises that there is a presumption in favour of sustainable development. This comprises of three dimensions which must be considered together. These are an economic role, a social role and an environmental role.

In this instance, the site will provide additional housing stock which has both economic and social benefits, upgrade and secure the re-use of an existing heritage building, which whilst occupied by tenants is within private ownership, whilst also improving the energy efficiency of the building and provide opportunities for renewable energy generation as part of its conversion.

Policy CS63 of the Core Strategy 'Responses to Climate Change' gives priority to developments that are well served by sustainable forms of transport, that increase energy efficiency, reduce energy consumption and carbon emissions and which generate renewable energy. Policy CS64 'Climate Change, Resources and Sustainable Design of Development' sets out a suite of requirements in order for all new development to be designed to reduce emissions. Policy CS65 'Renewable Energy and Carbon Reduction' sets out objectives to support renewable and low carbon energy generation and further reduce carbon emissions. These policies are consistent with the NPPF and can be given significant weight.

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

A fabric first approach is to be implemented in this instance, together with renewable energy provision to the roof in the form of solar panels. Overall, it is considered that the proposal meets the local sustainability policy requirements of CS63, CS64 and CS65.

Ecology

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

Core Strategy Policy CS74 (Design Principles) identifies that high-quality development will be expected, which respects, take advantage of and enhances the distinctive features of the city, its districts and neighbourhoods, including important habitats.

GE11 and CS74 align with the NPPF and can be given substantial weight. To clarify, NPPF paragraph 170 parts a) and d) identify that planning decisions should contribute to and enhance the natural and local environment, minimise impacts on and provide net gains in biodiversity. Furthermore, paragraph 175 a) identifies that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Part d) of paragraph 175 goes on to state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

It is acknowledged that on site opportunities are limited but that an element of

biodiversity net gain can be secured by condition, which could include the provision of bird / bat boxes for example.

Landscaping

Policy BE6 (Landscape Design) expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation. Paragraph 130 b) of the NPPF requires developments to be visually attractive, including with appropriate landscaping, meaning that the local policy can be given significant weight, being in alignment with the NPPF.

The site is tightly constrained in a close-knit urban environment with only the access path to the rear of the site being within the red-line boundary. The adjoining area is part of the previously approved scheme for the former Richardson's site and is therefore included in the landscaping proposals for that site.

In this respect there is no requirement for a specific landscaping scheme for this development.

Flood Risk/Drainage

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

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

The site falls within flood zone 2, which would affect the principle of the development and is a 'more vulnerable' use. A Flood Risk Assessment has been carried out. A sequential test is not required as the proposal is for a change of use.

The site is at medium risk from fluvial flooding. The 2007 floods were a 150-200 year event and did affect the site but the FRA states that this was the only recorded instance of flooding to the development. The risk of flooding from all other sources is considered to be low and the FRA states that where surface water flooding may occur it is unlikely to be high enough to flood properties. To mitigate flood risk it is proposed that the Finished Floor Level be set at a minimum of 49.79mAOD as part of the refurbishment, with further consideration given to the

installation of temporary flood barriers to entrances and the use of 'anti flood' devices on service vents and ducts as well as double sealed lock down inspection chambers and non-return valves on pipework.

The FRA sets out that the development is not anticipated to be severely affected by flooding up to a 1 in 200 year event, as a result of the mitigation measures. It is also noted that the works proposed are to an existing building, and as such, are not anticipated to increase flooding to the surrounding area.

The FRA has considered the potential for a sustainable drainage system but the nature of the proposal is such that this is not feasible.

Improvements to surface water collection will be required by condition - noting that the existing rainwater spouts direct water over the footway, which is clearly unacceptable and needs to be addressed as part of the redevelopment works. It is considered that this will be an improvement on the current situation and will be secured by condition.

It is considered that the imposition of an appropriately worded condition will be sufficient to address matters relating to surface water run-off and flooding. Therefore, the proposal complies with Policy CS67 and the provisions of the NPPF.

Affordable Housing

Core Strategy Policy CS40 'Affordable Housing' requires that all new housing developments over and including 15 units should contribute towards the provision of affordable housing where this is practicable and financially viable. The development proposes only 14 units and therefore this policy is not relevant to the determination of this application.

Community Infrastructure Levy (CIL)

CIL applies to all new residential floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport improvements, new school provision, open space etc. In this instance the proposal falls within CIL Charging Zone 4. Within this zone there is a CIL charge of £50 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

RESPONSE TO REPRESENTATIONS

It is considered that the key material planning issues raised are addressed in the assessment above.

In respect of the removal of the existing tenants of the silversmith and cabinet making businesses to facilitate the proposals; whilst this is clearly a difficult and upsetting situation; the Council does not own the building and, as such has no

control over the tenancy matters in this case. It is confirmed that this is a private civil matter and not a planning matter and, as such, can have no weight in the determination of this planning application.

SUMMARY AND RECOMMENDATION

The application seeks permission to convert an existing building currently in use as light industry to 14 residential units within the Kelham Island Conservation Area.

In the absence of a 5-year supply of housing land the tilted balance is engaged in accordance with Paragraph 11 of the NPPF and the positive and negative aspects of the scheme must be carefully weighed unless, in this case, harm to the designated Heritage Asset (Kelham Island Conservation Area) gives a clear reason for refusal.

The above assessment has already demonstrated that there will be less than substantial harm to the heritage asset and, as such there is no clear reason for refusal on this basis if the public benefits outweigh that harm.

There would be a number of benefits that will arise from this application including:

- The scheme would deliver 14 new residential units which would be affordable and go towards addressing identified city-wide need. The units are all larger than the minimum space standards identified in the South Yorkshire Residential Design Guide.
- The development would contribute to delivering the vision for the neighbourhood (as set out in the City Centre Strategic Vision)
- The building is in a poor state in a prominent position in the Kelham Island Conservation Area. The proposals will secure the repair and long-term future of the building
- The site is in a very sustainable location and would constitute efficient use of a building which is currently under-utilised.
- Future residents would generate local spend within the economy.
- The construction process would create employment opportunities.

The disbenefits of the scheme relate primarily to the lack of any external amenity space or parking facilities but these are offset by the benefits in this case and residents would not be eligible for permits within the new parking scheme in the area.

In applying the tilted balance in favour of sustainable development in NPPF Paragraph 11 (d), greater weight is given to the benefits of the scheme and, in this case, the balance falls clearly in favour of scheme

It is therefore concluded that the proposals accord with the provisions of the Development Plan when considered as a whole and that the policies which are most important in the determination of this application are consistent with the aims and objectives of the National Planning Policy Framework.

It is therefore recommended that planning permission be granted subject to a legal agreement with the following Heads of Terms and to the listed conditions.

Heads of Terms

The developer shall make a contribution of £1,360 towards the implementation of the Kelham Island and Neepsend Parking Permit Scheme.

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Case Number	22/04564/FUL (Formerly PP-11770999)
Application Type	Full Planning Application
Proposal	Erection of timber pergola with poly-carbonate roof, festoon lighting mounting posts and a new external paint scheme (amended scheme)
Location	Shepley Spitfire 56 Mickley Lane Sheffield S17 4HD
Date Received	21/12/2022
Team	South
Applicant/Agent	DV8 Designs 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:

Location Plan - Title Number: SYK355225 published 21st December 2022
Proposed Site Plan - Drawing No. 102 Rev C published 15th February 2023
Proposed Pergola Elevations - Drawing No. 201 Rev A published 15th February 2023

Reason: In order to define the permission.

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

3. Before the covered external area formed by this permission is brought into use, a management plan detailing measures to limit and control noise associated with the use of the facilities shall first be submitted to and approved in writing by the Local Planning Authority. The pergola shall only thereafter be used in accordance with the approved management plan.

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)

Other Compliance Conditions

4. All external lighting serving the covered external area and beer garden formed by this permission shall be controlled by automatic timer to ensure the lights are turned off overnight between 2300 hours and 1600 hours on all days.

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

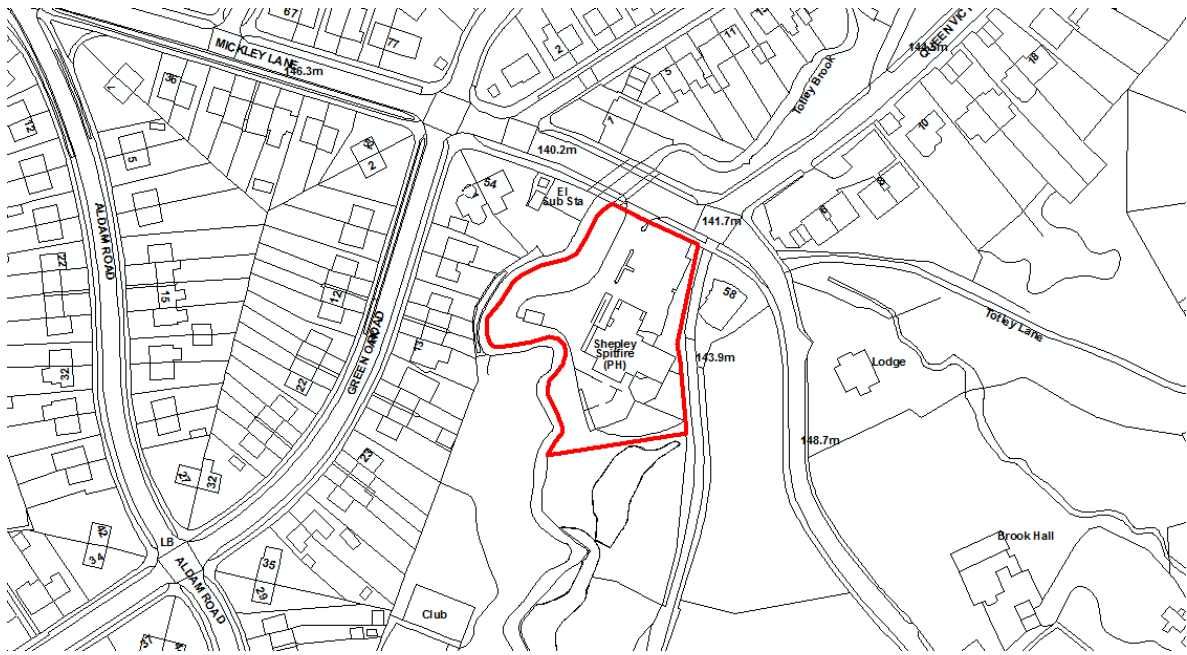
5. No speakers nor audio-visual equipment shall be affixed or positioned externally within, nor directed to broadcast sound to, the covered external area formed by this permission at any time, unless in conjunction with a specific outdoor event, arranged in advance and subject to prior notification and agreement by way of a Temporary Event Notice or other formal prior notification to Sheffield City Council.

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

Attention is Drawn to the Following Directives:

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

Site Location



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LOCATION AND PROPOSAL

The application site is the Shepley Spitfire public house located on Mickley Lane, Totley. The public house is a single storey building, with a two-storey element housing ancillary living accommodation, all set back within the site. To the front and side of the pub is a large car park, to the rear is an existing tiered pub beer garden. The beer garden is a mixture of hardstanding and grassed areas. A covered ramp access with a smoking shelter area is located to the west of the building.

The wider area is a mix of residential, woodland, and allotments. From the northwest to the northeast of the plot is largely residential including a small apartment development separated from the site by a public footpath. To the east and south is the public footpath, open green space including woodland and Totley Brook as well as Mickley Lane Allotments. The subject site borders Green Belt land although is not within it.

At an earlier stage the application included the installation of an external TV and associated speakers, however, after these were deemed by officers to be unacceptable, owing to noise and disturbance, they were removed from the proposal by the applicant. The proposal now seeks permission for only the partially covered timber framed pergola with festoon lighting and posts to the rear and a small section of festoon lighting to the front of the plot.

Other works on the site are proposed, however have been deemed to not require permission. These works include the installation of outdoor heaters, repairs to windows and fencing as well as painting the building, retaining car parking lighting, alteration to a small ramp and levelling of a small section of soft landscaping to the rear to form a small grassed area.

PLANNING HISTORY

There is extensive planning history at the site, most recently and most relevant being:

23/00060/ADV – Re-signage of public house – Granted Conditionally in March 2023;

19/00083/FUL – Erection of smoking area, formation of covered walkway and erection of replacement retaining walls to existing access ramps – Granted Conditionally in March 2019;

19/03681/ADV - 1 illuminated free standing sign, 2 non-illuminated boards, 1 illuminated logo, 1 lantern and retention of lettering above door. - Granted Conditionally in Nov 2019;

08/01994/FUL - Laying out and construction of hard landscaping works, low level brick retaining walls, fencing, staircase, paved areas, and new external door (Amended plans received 24/04/2008) – Granted Conditionally in May 2008

SUMMARY OF REPRESENTATIONS

Neighbours were notified of the application by letter and representations were received. There are in total 16 Objections which are summarised below;

Privacy

- Concern was raised regarding privacy and the opportunities for overlooking from the pub and beer garden to and from those dwellings on Green Oak Road.
- Since the sheltered smoking area has been constructed the privacy levels have worsened. Any further development would worsen them further.
- The 'slender' woodland is not sufficient and the privacy issues means gardens are not useable due to safeguarding issues with young children.

Noise

- The smoking shelter has caused noise disruption with many clientele congregating. The noise can be heard in gardens and housing of neighbours as well as more distance properties;
- The existing noise levels are high, and the introduction of a TV and speakers would create a level of disturbance which would not be acceptable;
- The TV and speakers will increase use outside and therefore increase noise from clientele. The introduction of heaters and a covered section will encourage more outdoor activity and increase noise levels;
- Commenters have stated they have contacted the pub previously to turn music down;
- Concerns that live events may be shown and played loudly impacting the area;
- Any further noise will become overbearing, and sleep is being disrupted as it is;
- No acoustic report has been submitted to outline the expected noise increase;
- One objector stated they had been told by the Council to keep a record of disturbance; further outdoor noise will lead to 'having to re-engage our work with the council for breach of the license agreement'

Light:

- Festoon lighting leads to the notion of a party venue;
- The outdoor lighting will further exacerbate the impact on biodiversity and increase light pollution;
- Trees were removed when the smoking shelter was erected, therefore lights will be more impactful on the local environment;
- New car park spotlights will directly face commenters garden. New source of light visible from objectors who currently 'look out onto darkness'.

Biodiversity:

- Objections to outside drinking area with a TV and Speakers as it will cause significant disturbance to the woodland and surrounding wildlife.
- It has been stated the surrounding area is rich habitat for many animals and insects including bats, badgers, owls, deer, moths, kingfishers, herons, ducks amongst a variety of other birds. It is stated within the wider area there is habitats for animals on Red Listing and protected animals.
- TV and speakers are close to the river and would also impact it
- There will be an impact on the ancient woodland of Gillfield Wood, Totley Brook and the surrounding area serving as a wildlife corridor between the Peak District and Sheffield City Centre;
- The area to the south of the plot has been defined as a Deciduous Woodland-Priority Habitat under DEFRA (Department of Environment Food and Rural Affairs);

- The proposal is likely to result in loss of local biodiversity. Noise and light pollution will affect the local wildlife.
- Concern no bat survey or environmental impact assessment has been carried out.

Notification of the application:

- Queries were raised if Friends of Gillfield Wood were notified;
- Comments stated no advertisement/signs were seen in the area to inform locals of possible development;
- It was also stated some had trouble commenting online.

Change of venue:

- Concerns were raised with the TV and Speakers that the pub may become a party/festival venue or a “mega-entertainment centre”;
- Festoon lighting increase the notion of a party venue;
- Pub is on the fringe of woodland and not suitable for a regular party atmosphere.

Application discrepancies:

- the form says there is no biodiversity that will be affected by the scheme. This is untrue as woodlands and habitats will be affected.

Other:

- Totley Brook watercourse is often seen to be polluted with bottles
- The woodland and biodiversity is important for wellbeing and physical and mental health of the local community;
- Introduction of outdoor heater in the current climate situation is surely against Sheffield City Council commitment to sustainable development and carbon neutrality;
- Comments were received stating ‘inappropriate’ language and other anti-social behaviour is already present, inferring this may increase with the development.

PLANNING ASSESSMENT

Policy Context

The subject site is within a Housing Area, as identified by the Unitary Development Plan for Sheffield. However, the surrounding area is also highlighted as an Area of High Landscape Value and an Area of Natural History Interest. Similarly, the surrounding allotments and woodland fall in the Green Belt under the UDP, although the subject site is not specifically within the Green Belt. It is also noted that the site is parallel to Totley Brook which is also a designated Local Wildlife Site. Each of these areas has specific policies related to them as outlined below.

The National Planning Policy Framework (NPPF) at paragraph 130 states that developments need to contribute towards creating visually attractive, distinctive places to live, work and visit, whilst also being sympathetic to local character. 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. This assessment will

have regard to this overarching principle.

NPPF paragraph 134 states that planning permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Due to the proximity to the woodland and Local Wildlife Site the NPPF policies associated with the natural environment are relevant. Paragraph 131 of the Framework details that trees make an important contribution to the character and quality of urban environments and requires the retention of trees where possible.

Paragraph 174 stipulates that planning decisions should contribute to and enhance the natural and local environment. Specifically stating valued landscapes should be protected and enhanced, there should be minimal impact on biodiversity including establishing coherent ecological networks that are more resilient to current and future pressures. It also states development should not contribute to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

Paragraph 179 of NPPF specifies the need for protection of designated sites and priority habitats and species and encourages biodiversity net gain where possible.

Paragraph 180 of NPPF sets out that in determining planning applications, planning authorities should aim to conserve and enhance biodiversity. Where there would be loss or deterioration of irreplaceable habitats such as ancient woodland, an application should be refused. The subject site adjoins woodland some of which is ancient, however the development is not within the woodland and will not impact on it. In this context it is believed the ancient woodland is Gillfield Woods. Gillfield Woods is located further south of the subject plot towards the Peak District and Derbyshire. The footpath to the east of the site provides access to woodland and the Totley Brook down into Gillfield Woods. The brook to the west of the subject site and its surrounding woodland is defined as a Local Wildlife Site.

The Unitary Development Plan provides some policy grounding in relation to conserving the green environment. The Green Environment subsection of the UDP emphasises the need for protection and enhancement as stated in the NPPF. It is considered that these sections of the UDP and local plan policies are in partial alignment with the NPPF, however there is some inconsistencies with the NPPF, reducing the weight (in most cases) the local policies can be afforded in the decision-making process.

The UDP policy GE10 'Green Network' is given significant weight in decision making, while GE8, GE11 and GE13 can only be given moderate weight. GE8 'Areas of High Landscape Value and The Peak National Park' and GE11 'Nature Conservation and Development' both encourage development to protect and enhance the appearance and character of an area as well as reduce any potential harmful effects. GE13 'Areas of natural history interest and local nature sites' goes further still to state where development would decrease the nature conservation value of a Local Nature Site (now referred to as a Local Wildlife Site), that decrease must be kept to a minimum and compensated for. GE10 'Green Network' is afforded the most weight in the assessment of the green environment, as this is in line with NPPF paragraphs 171 and 174 and aims to protect Green Links from development which would detract from their green and open character or which would cause serious ecological damage.

The subject area is also defined as a Housing Area and as such UDP policy H14 'Conditions on Development in Housing Areas' is applicable as is those associated with design. Policy H14 instils the need for an appropriate scale of development as well as, not result in the site becoming over-developed or depriving residents of light, privacy or security. Residents should not suffer from unacceptable air or noise pollution and where appropriate should provide an environmental buffer.

In relation to design policy and guidance Core Strategy Policy CS74 and UDP Policy BE5 are applicable. Core Strategy Policy CS74 'Design Principles' states that high-quality development will be expected, and at (h) that development should also contribute towards creating attractive, sustainable and successful neighbourhoods. UDP Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.

It is important to note, the application is not for a new beer garden. The rear of the plot as existing is a beer garden, and the only elements of this application requiring planning permission is the partially covered pergola and the festoon lighting with posts.

Design and Appearance

In regard to design, the assessment below is underpinned by the UDP Policy BE5 and Core Strategy CS74 as set out above in the Policy Context subsection as well as NPPF paragraph 134. Good design should be of an appropriate size and scale using quality materials. Development should contribute to create attractive spaces and not detract from the street scene or local area.

The scale of the proposed pergola is considered to be appropriate in relation to the pub. It will have an eaves height of 2.7 metres, the covered area spanning approximately 79m², roughly a quarter of the rear amenity space. The posts for the festoon lighting are 3 metres in height, which is an appropriate size and scale. The structure is not considered to dominate the area or detract from the public house.

For reference, the smoking shelter granted in 2019 has an eaves height of 3.7 metres and an overall height of 4.4 metres. It is noted the shelter is raised above ground level by a little over 1 metre however is it still a larger-scale structure than that being proposed in this application.

The partially covered pergola with associated festoon lighting and posts is located entirely to the rear of the plot and will not be seen from the highway. A smaller section may be visible upon entering the public house, however this will be read as public house infrastructure and not detract from the character of the area.

Owing to the scale and nature of the proposed works, it is considered that the proposal would not have any negative impacts to the adjacent area of Green Belt.

The festoon lighting proposed to the front of the plot is not affixed to the fencing nor to another structure. The string of lights proposed to the front of the plot will measure approximately 5.2 metres each (between 3m high posts) fronting Mickley Lane. However, these are not considered to be overly prominent, or distracting. They contribute to an attractive and interesting appearance. It is not considered to be adding to street clutter or harmful to visual amenity.

The existing beer garden has tiered hardstanding levels as well as a grassed area. There is a small section currently being used as storage covered in bark chipping that is proposed to be grass. There is little excavation works here and changing the soft landscape to grass is not deemed to require planning consent.

Overall, the works proposed are in accordance with NPPF 130, 134, UDP Policy BE5 and H14, specifically due to the scale and the quality. CS74 advises development should expect high-quality development which should contribute to an attractive and successful neighbourhood. The enhancement will improve the appearance of the building and make it more attractive. The proposed pergola and lighting to the rear will not be readily visible from the street and as such are not considered to detract from or result in an unattractive development.

Impact on Living Conditions

As covered in the policy context the below assessment is underpinned by the NPPF and Unitary Development Plan. The UDP H14 'Conditions on Development in Housing Areas' ensures no development creates unsatisfactory environments for people living in the area. This policy specifically underpins this subsection of the assessment for the partially covered pergola and festoon lighting with posts.

Light

In regard to the impact on neighbouring properties, the festoon lighting to the front of the plot will add new light to the street scene. However, in this location there is an existing streetlight as well as existing spotlights in the car park. It is therefore deemed that the low level of festoon lighting here is not going to be detrimental and will not be causing adverse living conditions.

The festoon lighting proposed will sit on 3-metre-high posts. The increase light levels associated with the proposal is unlikely to be of a great significance when quantified in terms of increased illumination, the proposed lighting being of a lower level.

Neighbouring properties currently experience varying levels of illumination impacts as a result of the establishment. The introduction of festoon lighting may change the impacts for some dwellings. However, between the subject site and those houses on Green Oak Road is woodland and a significant land level difference. The woodland/brook acts as an environmental buffer between the plots, in line with UDP Policy H14. The separation distance between the proposed development and those properties on Green Oak Road is over 20 metres, which is considered an acceptable distance given the light levels.

The dwellings at the most risk of possible illumination level changes is the apartment block to the east of the plot. The car park of the pub is along this boundary, meaning the element most likely to impact the flats is the festoon lighting proposed to the front of the plot. The residential units to the east are sited on higher ground as well as being set back from the subject plot by the public footpath and the current boundary treatment of a large and mature evergreen hedge along the boundary of the pub. Combined, these considerations are sufficient to alleviate the concern of illumination impacts.

In regard to the lighting, it is also important to note the lighting will be conditioned to be on a timer and will not be illuminated beyond 2300 hours. This is to protect the living conditions of the surrounding residents and the wider implications discussed below.

Noise

Under UDP Policy H14 it is stated development should be permitted, provided it does not result in unacceptable noise pollution or other nuisance or risk to health and safety. Annoyance caused by people's voices is difficult to evaluate quantitatively as the sound level fluctuates greatly.

The presence of a public house, with an existing beer garden on the site means that there is potential for some noise generation. The rear of the plot is an existing beer garden, and it is noted that covering part of the garden with a covered structure may increase the outdoor use and in turn increase the risk of noise. However, the area of beer garden is not increasing, and the maximum number of customers potentially on site at any one time is not changing.

In addition, although it is not disputed the noise from the beer garden may be audible, any increase in frequency of use due to the presence of the covered structure is not considered to be sufficient to cause harm to neighbouring residents to a degree that would warrant refusal. The use as a beer garden is remaining unchanged and while the development may mean more patrons outdoors throughout the year the degree of noise is likely to be no worse than typical beer garden noise, which can be created in the present situation.

The heater which may increase frequency of use in colder weather is proposed in the sheltered smoking area but does not require planning permission, so its impacts cannot be considered here.

The Council's Environmental Protection Service has advised on noise matters and confirms that at busy times noise from the beer garden will likely be noticeable to occupiers of nearby dwellings. A noise management plan is recommended to be submitted for approval prior to the development being brought into use. The focus of the plan should be the measures adopted by the premises to monitor and control noise associated with the use of the outside area. This will mean the development should not be in use if the plan has not been provided and measures not taken to manage the noise.

However, overall, whilst some change in noise levels may occur and mean the beer garden use is less seasonal it is not considered to be at a degree that would be excessive or warrant refusal of planning permission.

Privacy

The woodland between the smoking shelter and those properties on Green Oak Road is less dense than other area around the plot. The woodland buffering along the rear beer garden and the Totley Brook/Green Oak is more dense. This environmental buffer will vary seasonally as in summer months the foliage will provide a stronger barrier than in winter and provide some privacy protection. Whilst the buffer will be reduced in winter, the development will not provide any new views that do not exist at present and as such it will not lead to a loss of privacy or new opportunities for over looking for occupiers of these properties.

Overall, the development proposed is not considered to cause any over-bearing or over-

shadowing issues. It will have a low level of impact on living conditions for nearby resident. It is acknowledged the development may result in an increase in noise levels, however this is likely to be due to vocal noise which is difficult to quantify. A noise management plan will be provided prior to use.

Regarding illumination levels the proposed festoon lighting is at a lower level and not considered to detrimentally impact living conditions for neighbouring properties. Overall, the scheme is in accordance with UDP H14 and is not considered to detrimentally impact living conditions more so than the existing beer garden.

Ecology

NPPF Paragraph 174 stipulates the need for development to protect and enhance valued landscapes as well as not supporting development which may put such areas at an unacceptable level of risk. Paragraph 180 goes further to state planning permission should be refused where significant harm to biodiversity resulting from a development cannot be avoided. Furthermore, where there would be loss or deterioration of irreplaceable habitats such as ancient woodland, an application should be refused.

The subject site is bordering woodland and an area defined as a Local Wildlife Site, meaning the surroundings are a priority habitat. There are no trees with Tree Preservation Orders within in the red line boundary, the nearest being to the east on the adjacent site of the apartment block.

The proposed works are all proposed within the red line boundary and within the land ownership of the public house. No trees within the woodland are proposed to be cut down or directly impacted by the works.

Many of the public representations provide anecdotal evidence of wildlife present in the area including badgers, bats and kingfishers. The resident wildlife is habituated to some disturbance to a degree due to the current levels of noise and light from the subject plot and pub garden as well as the surrounding dwellinghouses. The proposal here, for a partially covered pergola would allow patrons to use the outside space, potentially all year round and in all weathers. The increased use of the outside area will increase light and noise levels, which may result in some further disturbance on the wildlife however it is not considered the changes would cause significant disturbance.

The lighting proposed is at a lower level than the existing lights on the site, and while they will add to the overall amount of illumination of the site, it is not considered to be at an intensity that would be significantly worse than existing levels. The introduction of the timed festoon lighting alone is not considered to significantly disturb the wildlife more than existing levels. The Council's Ecology Team and Biodiversity officers have informed this judgement and do not consider that harmful impacts will arise.

Overall, it is deemed to level of risk to biodiversity is not unacceptable as outlined under paragraph 174 of the NPPF and that little to no harm will result from the pergola and festoon posts and lights to woodland under para 180. The UDP green environment policies have also been adhered to; the development is not considered to detract from the green and open space or result in significant loss of biodiversity.

Response to Representations

The concerns raised by objectors have been acknowledged and responded to in the

above assessment, in relation to privacy, noise levels, light levels and biodiversity.

In regard to a change in venue, the use of the building is remaining unchanged as a public house. Other concerns raised such as river pollution, anti-social behaviour, safeguarding children and the physical and mental health benefits of the woodland have been noted but are not material planning consideration when determining an application.

Objectors raised concerns regarding new spotlights in the car park, however these are existing and shown on plans as well as in situ on site. Similarly, as stated in the report, a heater in the smoking area does not require planning permission and as such cannot be considered under this application.

No system errors were identified preventing comment, and the planning case officer enabled objectors to email or write to them directly.

Only adjoining neighbouring properties were informed of the application. 15 neighbouring properties were informed by letter, and no site notice was published as the development did not meet any of the thresholds for publicity of this form to be necessary. All publicity was undertaken in accordance with the 'The Town and Country Planning (Development Management Procedure) (England) Order 2015', and Sheffield's Statement of Community Involvement.

Summary and Recommendation

Taking the above into consideration, the proposed partially covered pergola, festoon lighting and associated works including the works to the lawn area are in accordance with policy.

The NPPF stresses the importance of good design and supporting development which creates visually attractive places to visit and work, specifically under Paragraphs 130 and 134. The design of the development has been considered and is of a good quality. It will create a more attractive space within the site but will not be highly visible from outside it. It is acknowledged the development will provide space for all year round use however, with the removal of the TV and speakers originally proposed, it is not considered that the impacts are now detrimental.

No direct impact on biodiversity will occur as a result of the development. Any impact is indirect and where practicable has been managed with timers, lower lighting levels and a requirement for a noise management plan. The surrounding woodland is a landscape with value and habitats, however the proposal has been considerate of the trees and woodland, there is no loss of vegetation and minimal impact from the development itself. The proposal is in accordance with the relevant NPPF paragraphs; 174, 180 and the UDP GE10. Although less weight can be afforded to them, the works are also deemed to be in accordance with GE8, GE11 and GE13 in regard to ecology.

In regard to design and living conditions, the works are in accordance with the National Planning Policy Framework paragraph 130 and H14 & BE5 of the Unitary Development Plan. The size and scale is appropriate in design terms, and while it has been acknowledged the development may increase usage, the potential noise levels are not considered to be detrimental to living conditions of neighbours. As such it is recommended that planning permission is granted subject to the listed conditions.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 18 April 2023

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 erection of single-storey rear extension to dwellinghouse, erection of retaining walls and stepped access to rear garden at 20 Underwood Road, Sheffield, S8 8TH (Case No: 22/04083/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 telecommunications upgrade and associated ancillary works (application for determination if approval required for siting and appearance) at Gleadless Road North BT pole, Daresbury Road Junction, Sheffield, Lowfield, S2 3AE (Case No: 22/02629/TEL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as:-

- a) the effect of the siting and appearance of the proposal on the character and appearance of the area; and
- b) if there is any harm, whether this would be outweighed by the need for the installation to be sited as proposed, having regard to the potential availability of alternative sites.

They noted the proposal was an upgrade of an existing facility near the junction with Daresbury Road which contains many street lights, traffic signals and densely planted trees. The new site in contrast was an area of informal open space, though also containing street lights and adjacent to two storey housing.

On a) they concluded the monopole would appear as an obviously engineered

feature of significantly greater scale and bulk than other street furniture, out of scale and dominant within its context and the street scape. The Inspector felt the height would be further emphasised by the topography exacerbating its prominence and not sufficiently screened by nearby trees. In addition the ancillary cabinets would add to visual clutter contrasting with otherwise well placed street furniture.

The inspector felt the proposal was contrary to the aims of Policies BE14 and H14(I) of the UDP and Policy CS74 (c), (e), (diii) and (h) of the Core Strategy, in addition to paragraphs 115 and 130 of the NPPF.

In respect of b) the Inspector noted the appellant's reliance on the upgrade of an existing site, albeit relocated, rather than adequately exploring alternatives and concluded it had not been adequately demonstrated that there are no suitable alternative sites which would give rise to less harm.

They therefore dismissed the appeal.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the removal of existing 4no billboards and erection of 3no 48 sheet internally illuminated LED digital freestanding billboards at Four Board Advertising Right at TTS Car Sales, Archer Road, Sheffield, S8 0LA (Case No: 22/01485/HOARD) has been allowed conditionally.

Officer Comment:-

The Inspector considered the main issues to be the effect of the development on amenity and public safety.

In terms of amenity, he noted the commercial nature of the site and its surroundings, with many properties with considerable amounts of signage, and also that residential property was separated from the site by a wooded embankment. Although more modern in appearance than the existing 4 'paper' hoardings on the site that the new panels are to replace, he felt they would not be more obtrusive or result in undue harm to the amenity or local distinctiveness of the area.

With regard to public safety he noted the proposed hoardings would be positioned obliquely to the highway for road users and those of the nearby traffic lights in comparison to the existing adverts. As with amenity, the Inspector considered the area already had a commercial character and appearance where adverts are commonplace, including the 4 poster panels currently on site. In that context the Inspector did not consider the hoardings would interfere with the traffic lights or cause considerable distraction to present a public safety impact.

He therefore allowed the appeal.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

(i) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the notice which is the unauthorised erection of a canopy to the side of the premises at 990 Abbeydale Road, Sheffield, S7 2QF (Our Ref: 20/00333/ENUD, Planning Inspectorate Ref: APP/J4423/C/23/3317254).

7.0 ENFORCEMENT APPEALS DISMISSED

(i) To report that an appeal against the Enforcement Notice issued by the Council for the breach of conditions 2, 6 and 7 imposed by planning permission 94/1522P (Appeal A), the unauthorised raising of the land level, use of land as part of the residential curtilage of Ivy Cottage, and the erection of a retaining wall around the land (Appeal B) at Slack Fields Lane and Storth Lane, Warncliffe Side, Sheffield, S35 0DW (Case Ref 21/00567/ENUD), Planning Inspectorate refs: APP/J4423/C/21/3289754 (Appeal A) and APP/J4423/C/21/3289755 (Appeal B)).

Officer Comment:-

The appellant appealed against the service of the notice on multiple grounds, namely ground (a) that planning permission should be granted to allow use of Slack Fields Lane for access to the three dwellings created under planning permission 94/1522P, ("the 1995 permission") when it was not possible to use Owler Gate for access (due to bad weather) as required by condition 2; (b) that the matters alleged in the notice have not occurred, (c) if the matters alleged have occurred, they do not constitute a breach of planning control, (d) that at the time the notice was issued it was too late for enforcement action to be taken, (e) that the notice was not served correctly, (f) that the requirements of the notice exceed what is necessary to remedy the breach of control alleged, (g) that the time given to comply with the notice is too short.

On the Ground (a) (appeal failed). The main issue in this case was highway safety for vehicles and pedestrians using the Lane. Condition 2 states: "The sole means of access to and egress from the site shall be gained from and to Owler Gate." The Inspector concluded that allowing the condition 2 to be modified would increase the hazards on the already narrow unmade lane and moreover the appellant's suggested modification to the condition to refer to "emergency access" and "bad weather" (permitted use in such events) would

be imprecise and unenforceable, being subjective terms that do not meet tests of Paragraph 56 of the National Planning Policy Framework.

Ground (b) and (c) (Appeal failed) The 1995 Permission required a physical barrier to be provided to stop use of Slack Fields Lane by vehicles. The barrier is provided and retained but unauthorised development in the adjacent field to the barrier and the Lane, (see Appeal B below), has created the possibility for vehicles to bypass the barrier (a 'means' of access). The Inspector concluded, notwithstanding the intended purpose of the Appeal B (Enforcement Notice 2) development, that there was as a consequence of it, a 'means' of access / egress in breach of Condition 2 of planning permission 94/1422P and further he concluded that there is evidence to show that the barrier had been bypassed (rounded) by a vehicle driving over the new means.

Ground (d) (Appeal failed). The appellant also argued that there was an uninterrupted breach of condition 2 over the proceeding ten years. The Inspector concluded that there probably had been low level sporadic use of the lane in breach of condition 2 (before the Enforcement Notice 2 / Appeal B development took place through opening and closing the barrier) such that it would not have been possible for the Local Planning Authority to take enforcement action, each breach being a separate event with significant gaps in between, rather than a continuous breach. On the balance of probabilities this appeal failed.

Ground (e). Appeal was withdrawn at the Inquiry.

On Ground (f) (This appeal succeeded in part). The notice required a wall to be constructed along the full length of Slack Fields Lane above the barrier, (to replace a wall removed to facilitate Enforcement Notice 2 / Appeal B development), to prevent the bypassing of the barrier on the lane. The Inspector agreed that building a full wall to comply with the condition 2 was excessive. It was agreed at the public inquiry between the parties that if the Appeal B (Enforcement Notice 2) was dismissed then the requirement to build a wall should be deleted from the Appeal A notice. Appeal B was dismissed, and the Inspector varied the notice to delete the requirement to build a long wall from this Appeal A / Enforcement Notice 1.

On Ground (g) (appeal failed). The Inspector noted the deletion of the requirement to build a wall from the Enforcement Notice 1 and concluded that 2 months was sufficient to comply with the notice in its other respect – stop the use of Slack Fields Lane for access / egress to the Slack Fields Farm dwellings.

(ii) To report that an appeal ("Appeal B") against the Enforcement Notice ("EN2") issue, Field off Storth Lane and Slack Fields Lane, Wharnccliffe Side, S36 0DW, (adjacent to and, for the benefit of, Ivy Cottage, Slack Fields Farm) (Planning Inspectorate Ref: APP/J4423/C/21/3289755) has been dismissed.

The appellant appealed against the service of the notice on multiple grounds, namely ground (a) that planning permission should be granted for the infill of a significant portion of the field to raise the land level up to that of the adjacent Ivy Cottage on Slack Fields Lane and allow the material change of use of the developed land as garden in connection with Ivy Cottage, (b) that the matters alleged in the notice have not occurred as a matter of fact, (this ground of appeal was withdrawn just prior to the public inquiry starting), (c) that if the matters alleged did occur they do not constitute a breach of planning control, (e) that the notice was not served correctly, (f) that the requirements of the notice exceed what is necessary to remedy the breach, (g) that the time given to comply with the notice is too short.

Ground (a). (Appeal failed). The Inspector considered whether the development is inappropriate development in the Green Belt having regard to the NPPF and any relevant development plan policies; the effect of the development on the openness of the Green Belt; whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

The inspector concluded that the development was inappropriate in the Green Belt and considered it harmful. He determined that (1) the development placed approx. 400 tonnes of fill material over an area of 300m² significantly raising the levels by between 1m and 1.5m in height and that the development has changed the nature of the land. It was previously an open field providing foreground to the Slack Fields Farm complex and it now reads as part of the farm complex, encroaching further into the field. (2) Although the relocated dry stone retaining wall maintains its role within the wider network of dry stone walls, it nevertheless extends for 60m and has the function of enclosing the Land. It has thus reduced in spatial terms the contribution of the Land to Green Belt openness. Moreover, whilst the change which has taken place is less appreciable the further away it is viewed from, the change in the height and sense of enclosure is highly apparent from the public right of way which runs across the field, adjacent to the Land. Whilst the appellant argued that no residential paraphernalia such as chairs or tables had been put on the Land to this point, the introduction of the Land into the confines of the residential setting, and its use as residential garden, would encourage domestic items to be placed upon it in the future. The additional human activity that arises from the extended garden for Ivy Cottage would be a marked change in character from the previous use of the Land for agricultural purposes. It would also, in visual terms, have the effect of extending the envelope of built development within Slackfields Farm to the east, bringing it closer to the built-up area of Wharncliffe Side and reducing the sense of separation the farm complex has currently.

Other Considerations

The appellant argued that the operations involved in restoring the Land to its former condition are complex and will result in significant disturbance and interruption. The Inspector accepted that the works to remove the wall, the soil and regrade the Land will result in visual harm to the landscape. However,

determined that such effects will be temporary, and over a limited period, particularly when compared against the Green Belt harm deriving from the permanence of the development.

Very Special Circumstances

Substantial weight was attributed to the Green Belt harm which arises by reason of inappropriateness in accordance with para. 148 of the Framework and, to the harm which arises to the openness of the Green Belt. In favour of the development, little weight was attributed to the temporary harm arising from the works required to restore the Land to its former condition and, to the alleged fallback position and to the prospect of imposing a condition to remove permitted development rights. The Inspector concluded that the harm arising to the Green Belt by reason of inappropriateness and harm to openness is not clearly outweighed by other considerations and no planning conditions could be imposed which would overcome the identified harm. Very special circumstances necessary to justify the development do not exist. It conflicts with UDP Policies GE1 and GE3, as well as the policies of the Framework.

Alternative

As aforementioned, the appellant suggested that a wall of similar siting, design and height (as in the notice) could be erected under the GPDO following compliance with the notice. However, whilst the wall without the engineering operations and material change of use would be less harmful to the Green Belt than the development subject of EN2 in its entirety, it would nevertheless have the effect of extending the envelope of built form northwards into the open field. Even with the Land reinstated to its previous contours and use, a wall in the same location would still have the same effect of visually enclosing the Slackfields Farm complex and encroaching into the Green Belt. The erection of a wall would amount to inappropriate development in the Green Belt and not meet any of the exceptions within the Framework. It would also, for the reasons set out, result in harm to Green Belt openness. That overall harm to the Green Belt is not clearly outweighed by other considerations.

Ground (b) This was withdrawn at the Inquiry.

Ground (c) This ground of appeal failed. The appellants argued that the wall was a free standing wall benefitting from permitted development and the infill material was added afterwards, albeit very soon afterwards. The Inspector determined in favour of the Council's case that it was part and parcel of the whole operational development cited in the notice EN2, namely an engineering operation to fill the land and retain the new level with a wall.

Ground (e) This appeal was withdrawn at the Inquiry.

Ground (f) (failed). The appellant argued that a fallback position of permitted development for a free-standing wall but the Inspector rejected this ground of appeal failed.

Ground (g) (succeeded). The Inspector noted that it took 2 to 3 months to complete the development, the need to remove material off site and employ specialist contractors to dismantle and re-erect a dry retaining stone wall. He agreed with the appellants argument that 6 months was required to remedy the harms.

8.0 ENFORCMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

18 April 2023