

Planning and Highways Committee

Tuesday 7 November 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

Membership

Councillors Mike Chaplin (Joint Chair), Alan Woodcock (Joint Chair), Glynis Chapman, Roger Davison, Tony Downing, Bernard Little, Barbara Masters, Laura Moynahan, Peter Price, Ibbby Ullah, Sophie Wilson, Cliff Woodcraft and Garry Weatherall

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
7 NOVEMBER 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 10th October 2023.
- 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. Proposal to Divert Part of Footpath SHE/565 at Brunswick School, Linking Bridby Street and Station Road, Woodhouse S13** (Pages 13 - 18)
Report of the Director Of Streetscene And Regulation
- 8. Applications Under Various Acts/Regulations** (Pages 19 - 20)
Report of the Head of Planning
- 8a. Planning Application No. 23/01960/FUL - Park Hill Estate, Duke Street, Park Hill, Sheffield, S2 5RQ** (Pages 21 - 78)
- 8b. Planning Application No. 23/01961/LBC - Park Hill Estate, Duke Street, Park Hill, Sheffield, S2 5RQ** (Pages 79 - 86)
- 8c. Planning Application No. 23/02687/FUL - Site Of 340 Lydgate Lane, Sheffield, S10 5FU** (Pages 87 - 108)
- 8d. Planning Application No. 23/00334/FUL - The Sportsman, 156 Darnall Road, Sheffield, S9 5AD** (Pages 109 - 130)
- 9. Record of Planning Appeal Submissions and Decisions** (Pages 131 - 138)
Report of the Head of Planning

10. Date of Next Meeting

The next meeting of the Committee will be held on 5th December 2023.

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 General Counsel by emailing david.hollis@sheffield.gov.uk.

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Planning and Highways Committee

Meeting held 10 October 2023

PRESENT: Councillors Alan Woodcock (Joint Chair), Mike Chaplin, Glynis Chapman, Roger Davison, Tony Downing, Bernard Little, Laura Moynahan, Peter Price, Ibby Ullah, Cliff Woodcraft and Tim Huggan (Substitute Member)

1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Barbara Masters and Garry Weatherall.
- 1.2 Councillor Tim Huggan acted as substitute for Councillor Masters.

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 12th September 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. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

6a. PLANNING APPLICATION NO. 23/00394/FUL - LAND BETWEEN 94 AND 98 WHEEL LANE, GRENOSIDE, SHEFFIELD, S35 8RN

- 6a.1 An additional representation, along with the officer response, an amended condition, an additional condition and information regarding the emerging local plan were included within the Supplementary Report which was circulated and summarised at the meeting.
- 6a.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 6a.3 Mark Barlow, Mark Ellis, Cheryl Hall, Paul Salt and Councillor Alan Hooper attended the meeting and spoke against the application.
- 6a.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.
- 6a.5 A question was asked regarding the addition of bat boxes, bird boxes and swift bricks and following legal advice, it was moved by Councillor Mike Chaplin and seconded by Councillor Bernard Little that the existing biodiversity condition be amended to include them. The motion was passed by a show of hands.
- 6a.6 **RESOLVED:-** That an application for approval of planning permission be GRANTED, conditionally and including the amended condition, for the reasons set out in the report for the erection of 2 dwellinghouses and associated works (Amended plans) at Land between 94 and 98 Wheel Lane, Grenoside, Sheffield, S35 8RN (Application No. 23/00394/FUL).

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 7.1 The Committee received and noted a report of the Chief Planning Officer detailing planning appeals received, dismissed and allowed and Enforcement Appeals received and dismissed by the Secretary of State.
- 7.2 A question was asked regarding the status of the electric vehicle charging point which was not mentioned in the decision of the Planning Inspector to dismiss the delegated decision of the Council regarding Application No. 22/04524/FUL.
- 7.3 The Planning Officer explained that although it was not mentioned specifically by the Planning Inspector, the whole appeal had been dismissed, so a new application would be needed for the electric vehicle charging point.

8. DATE OF NEXT MEETING

- 8.1 The date of the next meeting of the Planning and Highways Committee was Tuesday 7th November 2023 at 2pm in the Town Hall.

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PROPOSED DIVERSION OF PUBLIC FOOTPATH SHE\565 BETWEEN STATION ROAD AND BRIDBY STREET, WOODHOUSE, SHEFFIELD 13.

1.0 PURPOSE

- 1.1 To seek authority to make a Public Path Diversion Order under Section 119 of the Highways Act 1980 that is required to alter the course of definitive public footpath SHE\565 between Station Road and Bridby Street, Woodhouse, Sheffield 13.

2.0 BACKGROUND

- 2.1 The Highway Authority has received a request from the City Council's Education Department requesting that footpath SHE\565 is diverted as shown by a solid black line on the plan included as Appendix A, hereby referred to as "the plan".
- 2.2 Footpath SHE\565 connects Station Road with Bridby Street and provides a link to the Brunswick Community Primary School.
- 2.3 The subject path runs directly through the school grounds and separates the main school buildings from the sports facilities. This proposal will divert the path around the edge of the school grounds. It is therefore considered that the diversion of the footpath would be expedient to the landowner on the grounds of security and privacy.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies.
- 3.2 Ward Councillors have been consulted and have raised no objections.
- 3.3 The Peak and Northern Footpath Society and the Ramblers have raised no issues to the proposal. The former commented that "***the proposed route could be argued to be more convenient in certain respects, depending on a user's circumstances***".
- 3.4 Not all the consultees had responded at the time of writing this report. But of those that have responded no objections have been received.
- 3.5 If any negative comments relating to the application are received before the Planning and Highways Committee meeting, they will be reported verbally.

4.0 LEGAL IMPLICATIONS

- 4.1 If the Committee was minded to agree to this proposal, it would be appropriate for the Council to process the diversion using the power contained within Section 119 of the Highways Act 1980. This power provides that a public footpath may be diverted by creation of a legal order where the Council considers that to be expedient in the interests of the owner, lessee or occupier of land crossed by the path. These interests are set out in paragraph 2,3, of this report. The Council should also have regard to the effect that the proposed diversion would have on the public enjoyment of the path as a whole. This is set out in paragraphs 5.3 and 5.4.

5.0 HIGHWAY IMPLICATIONS

- 5.1 Public footpath SHE\565 is part of the definitive public footpath network in the Woodhouse area of Sheffield, linking Station Road with Bridby Street. It is regarded as definitive because it has been formally recorded on the Council's definitive map and statement of public rights of way. The subject path has no streetlighting and is constructed with a tarmac surface.
- 5.2 The alternative route, shown as a broken line on the plan, will run along the western perimeter of the school site. It is normal procedure, when diverting a public footpath, that the path to be provided is considered no less convenient than the one it replaces. It is proposed that the new path will have a 2-metre width and be constructed with a tarmac surface, in keeping with the part of SHE\565 that is to be diverted. On satisfactory completion of the construction, the path will be maintained by the Highway Authority in perpetuity. However, if the applicant wishes to have the path adopted and accrued into Streets Ahead arrangements with the Highway Adoptions team will be necessary prior to construction taking place.
- 5.3 The proposed diversion will be around 40 metres longer for users travelling to the main school entrance. However, it will provide a more direct and shorter journey for those accessing public transport and local shops. A plan showing the proposed design of the new path is included as Appendix B.
- 5.4 The proposed diversion should therefore not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

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

7.0 ENVIRONMENTAL IMPLICATIONS

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

8.0 FINANCIAL IMPLICATIONS

- 8.1 The costs associated with the Diversion Order and design of the new path are being met from the School Condition Budget. The school is included in the DFE School Rebuilding Program, and all capital costs and associated infrastructure (including the construction of the path) will be met from this DFE funding.
- 8.2 A commuted sum will be payable by the Education Department if the proposed path is to be considered for adoption and accrual into the Streets Ahead PFI.
- 8.3 The fee has been received from the applicant. Therefore, there are no implications of the proposal in this report for the Highways budget.

9.0 CONCLUSION

- 9.1 Based on the above information, Officers support the proposed diversion of part of definitive public footpath SHE\565, as shown on the plan included as Appendix A.

10.0 RECOMMENDATIONS

- 10.1 Raise no objections to the proposed diversion of part of definitive public footpath SHE\565, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
- 10.2 Authority be given to the General Counsel for Legal Services to
- a. take all necessary action to divert the footpath under the powers contained within Section 119 of the Highways Act 1980
 - b. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.

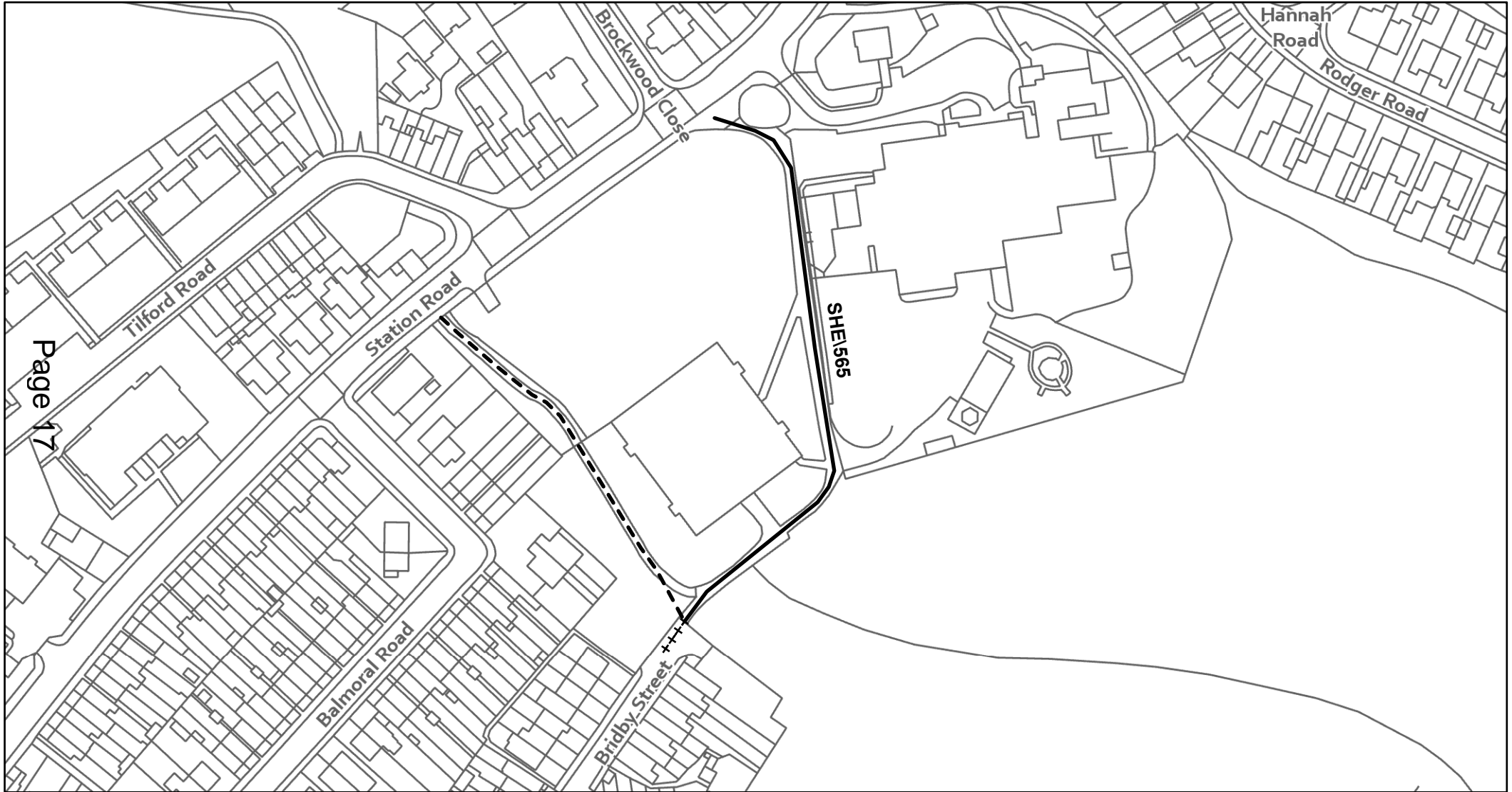
Davina Millership
Head of Highway Maintenance

7th November 2023



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

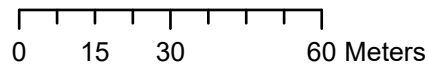
PROPOSED DIVERSION OF PUBLIC
 FOOTPATH SHE\565 BETWEEN STATION
 ROAD AND BRIDBY STREET,
 WOODHOUSE, SHEFFIELD 13.



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APPENDIX A

Scale: 1:1,500



	FOOTPATH TO BE DIVERTED
	FOOTPATH TO BE CREATED
	FOOTPATH NOT AFFECTED BY THIS PROPOSAL

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Head of Planning

Date: 07/11/2023

Subject: Applications under various acts/regulations

Author of Report: Jacob George and Sarah Hull

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

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

Category of Report: OPEN

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Case Number	23/01960/FUL (Formerly PP-12222286)
Application Type	Full Planning Application
Proposal	Refurbishment and alterations to the Duke Street block for a mixed-use development comprising 125 residential apartments, two commercial units (Use Class E) with landscaping, car parking and other associated works (AMENDED PROPOSAL)
Location	Park Hill Estate Duke Street Park Hill Sheffield S2 5RQ
Date Received	19/06/2023
Team	City Centre and Major Projects
Applicant/Agent	Mr Andrew Johnston
Recommendation	Grant Conditionally 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 hereby permitted shall be carried out in complete accordance with the following plans, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
 - Landscape General Arrangement - 122018-ASL-00-ZZ-DR-L-0900 - Revision P9 - amended and published 20/10/2023
 - Unfolded Elevations - 278 (00) 200 - Revision P05 - amended and published 03/10/2023
 - Flank R - Balcony Elevation - 278 (00) 201 - Revision P05 - amended and published 03/10/2023
 - Flank S - Balcony & Street Elevations - 278 (00) 203 - Revision P05 -

amended and published 03/10/2023

- Flank R - Street Elevation - 278 (00) 202 - Revision P04 - amended 27/09/2023, published 29/09/2023
- Flank T - Balcony Elevation - 278 (00) 204 - Revision P04 - amended 27/09/2023, published 29/09/2023
- Flank T - Street Elevation - 278 (00) 205 - Revision P04 - amended 27/09/2023, published 29/09/2023
- Proposed Location Plan - 278 (00) 001 - Revision P04 - amended 27/09/2023, published 29/09/2023
- Proposed Site Plan 1/2 - 278 (00) 002 - Revision P04 - amended 27/09/2023, published 29/09/2023
- Proposed Site Plan 2/2 - 278 (00) 003 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 4th Floor - Cellar Plan - 278 (00) 101 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 5th Floor - Lower Ground Plan - 278 (00) 102 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 6th Floor - Lower Hague Street Plan - 278 (00) 103 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 7th Floor - Above Street / Upper Hague Street Plan - 278 (00) 104 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 8th Floor - Below / Above Street Plan - 278 (00) 105 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 9th Floor - Long Henry Street Plan - 278 (00) 106 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 10th Floor - Above Street Plan - 278 (00) 107 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 11th Floor - Below Street Plan - 278 (00) 108 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 12th Floor - Norwich Street Plan - 278 (00) 109 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 13th Floor - Above Street Plan - 278 (00) 110 - Revision P04 - amended 27/09/2023, published 29/09/2023
- Roof Plan - 278 (00) 111 - Revision P04 - amended 27/09/2023, published 29/09/2023
- Flat Type A - Below Street - 278 (00) 400 - Revision P01 - amended 27/09/2023, published 29/09/2023
- Flat Type B - Below Street - 278 (00) 401 - Revision P01 - amended 27/09/2023, published 29/09/2023
- Flat Type C - Above Street - 278 (00) 402 - Revision P01 - amended 27/09/2023, published 29/09/2023
- Flat Type C+ - Above Street - 278 (00) 403 - Revision P01 - amended 27/09/2023, published 29/09/2023
- Flat Type D - Above Street - 278 (00) 404 - Revision P01 - amended 27/09/2023, published 29/09/2023
- Flat Type D+ - Above Street - 278 (00) 405 - Revision P01 - amended 27/09/2023, published 29/09/2023
- Flat Type E - Above Street - 278 (00) 406 - Revision P01 - amended 27/09/2023, published 29/09/2023
- Flat Type E+ - Above Street - 278 (00) 407 - Revision P01 - amended

27/09/2023, published 29/09/2023
- Flat Type F - Above Street - 278 (00) 408 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type F+ - Above Street - 278 (00) 409 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type G - Below Street - 278 (00) 410 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type G+ - Below Street - 278 (00) 411 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type H - Below Street - 278 (00) 412 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type H2 - Below Street - 278 (00) 413 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type I - Below Street - 278 (00) 414 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type J - Above Street - 278 (00) 415 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type J+ - Above Street - 278 (00) 416 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type K - Above Street - 278 (00) 417 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type K+ - Above Street - 278 (00) 418 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type M2+ - Below Street - 278 (00) 419 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type P - Above Street - 278 (00) 420 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type Q - Above Street - 278 (00) 421 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type Q+ - Above Street - 278 (00) 422 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type T - Below Street - 278 (00) 423 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type U+ - Below Street - 278 (00) 424 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type V - Above Street - 278 (00) 425 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type W - Above Street - 278 (00) 426 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type X+ - Street Level - 278 (00) 427 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type Y - Above Street - 278 (00) 428 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type Z - Above Street - 278 (00) 438 - Revision P02 - amended
27/09/2023, published 29/09/2023
- House Type TH1 - Townhouse - 278 (00) 429 - Revision P02 - amended
27/09/2023, published 29/09/2023
- House Type TH2 - Townhouse - 278 (00) 430 - Revision P02 - amended
27/09/2023, published 29/09/2023
- House Type TH3 - Townhouse - 278 (00) 431 - Revision P02 - amended

27/09/2023, published 29/09/2023

- House Type TH4 - Townhouse - 278 (00) 432 - Revision P02 - amended
27/09/2023, published 29/09/2023

- House Type TH5 - Townhouse - 278 (00) 433 - Revision P02 - amended
27/09/2023, published 29/09/2023

- House Type TH7 - Townhouse - 278 (00) 435 - Revision P02 - amended
27/09/2023, published 29/09/2023

Reason: In order to define the permission.

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

3. Development shall not commence until a Construction Management Plan (CMP) has been submitted to and approved by the Local Planning Authority. The CMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to traffic, noise, vibration, dust, air quality and pollution control measures. The CMP shall include details of the means of ingress and egress for vehicles engaged in the construction of the development, an area for delivery/service vehicles to load and unload, the parking of associated site vehicles, the storage of materials and measures to prevent or clear mud on the highway. Thereafter the development shall be carried out in accordance with the approved CMP.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property, and in the interests of highway safety.

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

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

Reason: In the interests of maximising the economic and social benefits of the development.

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

5. No development, with the exception of demolition and soft strip works, shall commence until full details of the proposed surface water drainage design,

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

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

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

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

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

7. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details first submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading.

8. No construction works in the relevant areas of the site shall commence until measures to protect the public water supply infrastructure that is laid within

the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public water supply.

9. The car parking spaces hereby approved shall not be brought into use unless and until the parking areas of the site have been constructed with permeable/porous surfaces. Thereafter the approved permeable/porous surfacing material shall be retained.

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

10. No development, with the exception of demolition and soft strip works, shall commence until a Biodiversity Monitoring Plan (BMP) has been submitted to and approved in writing by the Local Planning Authority. The BMP shall ensure that the development achieves a minimum 10% net gain in biodiversity, and shall be based on the measures set out in the approved Biodiversity Net Gain Assessment (Estrada Ecology, ref. SQ-1424, amended and published 05/10/2023). The BMP shall include objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports over a 30-year period. The development shall thereafter be undertaken in accordance with the approved BMP and the management and monitoring undertaken in line with its approved phasing.

Reason: To achieve net gains for biodiversity, in line with paragraph 174 of the National Planning Policy Framework (2023).

11. Before the commencement of above-ground works (with the exception of demolition and soft strip works), a comprehensive and detailed hard and soft landscape scheme for the site, based on the indicative measures shown in the approved landscape plan (ref. 122018-ASL-00-ZZ-DR-L-0900 - Revision P9 - amended and published 20/10/2023) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- Topsoil specification and depths
- Details of replacement tree planting to compensate for trees proposed for removal in the approved Arboricultural Report (ref. AWA5691, by AWA Tree Consultants, published 18/10/2023)
- A planting schedule and planting plan, at 1:200 or 1:100 scale
- A comprehensive list of species and stock specification
- A maintenance schedule
- Details and samples of surfacing materials and all fixed outdoor furniture, including any play equipment
- Large-scale details of all boundary treatments and handrails

- Details of tactile paving and level accesses to main entrance points
- Details of artificial lighting to the landscaped areas and the access decks within the building, to include wildlife-sensitive measures where necessary

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

Reason: In the interests of visual amenity and environmental quality.

12. No landscaping, hard surfacing or ground works shall commence until full details of measures to protect the existing trees to be retained have been submitted to and approved in writing by the Local Planning Authority, and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement, a plan showing accurate root protection areas, details of ground levels around the trees, details of no-dig construction methods for any adjacent hard surfacing, and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS: 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

13. Unless demonstrated to be unfeasible due to the constraints of the listed building, details of bat and bird boxes, to deliver ecological enhancements, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby approved. The details shall include proposals for the integration of 'Impeckable' swift boxes or a similar swift nesting product by another manufacturer. Thereafter, the enhancement works shall be undertaken in accordance with the approved details before the first occupation of the development, and shall be maintained for the lifetime of the development.

Reason: To secure environmental gains and promote biodiversity in accordance with paragraph 174 of the National Planning Policy Framework.

14. No development, with the exception of demolition and soft strip works, shall commence until a detailed Air Quality Assessment (AQA) has been submitted to and approved in writing by the Local Planning Authority. The AQA shall include modelling of the air quality impacts of traffic forecasted to be generated by the completed development, compared to existing air quality

conditions in the area, and assessed against legal health-related thresholds. If the AQA concludes that the development would have an adverse impact on air quality, or that future residents would be exposed to noncompliant pollution levels, mitigation measures to protect residents from the adverse effects of air quality shall be put forward, together with a timescale for implementation. Thereafter, the proposed development shall be undertaken in accordance with those mitigation measures in line with the approved implementation timescale.

Reason: To protect residents from air pollution, in line with policy GE23 of the Unitary Development Plan and policy CS66 of the Core Strategy.

15. Unless it can be shown not to be feasible or viable, no development (with the exception of demolition and soft strip works) 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.

16. No development, with the exception of demolition and soft strip works, 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.

17. No ground works 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.

18. 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 ground 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.

19. 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 ground 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.

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

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

21. 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.

22. Prior to the first occupation of the development, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- Clear & unambiguous objectives to influence a lifestyle that will be less dependent upon the private car
- A package of measures to encourage and facilitate less car dependent living
- A time-bound programme of implementation and monitoring
- Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority
- Provisions to use monitoring outcomes to further define targets and inform actions proposed to achieve the approved objectives and modal split targets

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

Reason: In the interests of delivering sustainable forms of transport.

23. The development shall not be occupied until a scheme to promote access to a car club (as detailed below) shall either:

- (a) have 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 ensure the car club scheme is carried out before the development is occupied.

The car club scheme shall include:

i. the provision of at least one publicly accessible car parking bay within the site boundary, to be designated, signed and thereafter retained solely for the use of car club vehicles. In the event that it is impractical to provide such car club parking bays, alternative arrangements to secure an equivalent contribution would be appropriate.

ii. The provision of measures to ensure that all eligible site users are encouraged to sign up as members of the car club scheme for a minimum of one year.

iii. Arrangements to ensure ongoing marketing of the benefits of a car club service to site users for a minimum of three years.

The car club scheme shall thereafter be carried out, marketed and retained in accordance with the approved details.

Reason: In the interests of delivering sustainable forms of transport.

24. Prior to the first occupation of the development, details of electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The charging infrastructure shall include no fewer than six fully installed electric vehicle charging points, of which at least one charging point must serve an accessible parking bay. The details shall also include cable routes to enable the future installation of further electric vehicle charging points to serve at least 40% of the total parking spaces. No dwelling shall be occupied until the relevant infrastructure has been provided in accordance with the approved details. The charging infrastructure shall be retained and maintained for the lifetime of the development.

Reason: In order to encourage and facilitate the use of low-carbon vehicles.

25. Prior to the first occupation of the development, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall set out measures to reserve all parking spaces within the application site (with the exception of car club spaces) for the exclusive use of residents. The measures shall thereafter be carried out in accordance with the approved Parking Management Plan for the lifetime of the development.

Reason: To limit the impacts of on-street parking intensification.

26. The development shall not be brought into use unless and until the car parking accommodation shown on the approved plans has been provided in accordance with those plans. Thereafter, such car parking shall be retained for the sole purpose intended.

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

27. Before the first occupation of any part of the development, full details of passenger information facilities displaying live public transport times, to be provided in an appropriate communal location within the building or the landscaped areas, shall have been submitted to and agreed in writing by the Local Planning Authority. The agreed facilities shall be installed within six months of the first occupation of any part of the development, and shall be retained in full working order for the lifetime of the development.

Reason: To promote the use of public transport.

28. Prior to the commencement of any landscaping works, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall

have been submitted to and approved in writing by the Local Planning Authority. The details shall include diagrams of strategies for the storage of bicycles within individual dwellings, as well as full details of dedicated cycle stores and cycle stands within the landscape. The development shall not be brought into use unless and until such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, and to protect the setting of the listed building.

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

a) been carried out; or

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

Highways Improvements:

- The provision of two service laybys on Duke Street with associated kerbing (lowered kerbs for refuse bins) and footway works broadly in accordance with the approved landscape plan (ref. 122018-ASL-00-ZZ-DR-L-0900 - Revision P9 - amended and published 20/10/2023)
- The promotion of a Traffic Regulation Order (loading/waiting restrictions) within the service laybys and provision of associated road markings and signage, subject to usual procedures
- Accommodation works to street furniture, including street lighting columns, highway drainage and Statutory Undertakers' equipment deemed necessary as a consequence of the development

Reason: To enable the above-mentioned highways to accommodate service vehicles associated with the development, and to prevent any related highway obstructions.

30. 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.

31. The development shall not be used unless the dedicated bin storage areas, as shown on the approved plans, have been provided in accordance with those plans. Thereafter, the bin storage areas shall be retained and used for their 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.

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

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

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

- Doors and door surrounds
- Windows (including reveals)
- Balconies and balustrades
- Infill panels
- Parapets, eaves and verges

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

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

34. Before the commencement of that part of the development, details of the proposed substation adjacent to Duke Street, as shown on the approved landscape plan (ref. 122018-ASL-00-ZZ-DR-L-0900 - Revision P9 - amended and published 20/10/2023), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained thereafter.

Reason: To secure the satisfactory appearance of the development and to ensure that the substation does not harm the setting of the listed building.

35. Prior to the commencement of any above-ground landscaping works, 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 and thereafter be retained.

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.

36. 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 the approved Noise Assessment (ref: Issue 4, prepared by Max Fordham LLP, published 19/06/2023)

b) Be capable of achieving the following noise levels:

- Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours)
- Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours)
- Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours)
- Bedrooms: LAFmax - 45dB (2300 to 0700 hours)

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

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

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

37. Before the commercial uses hereby permitted commence, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:

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

b) Be capable of restricting noise breakout from the commercial uses to the street to levels not exceeding the prevailing ambient noise level when measured:

- (i) as a 15 minute LAeq, and;
- (ii) at any one third octave band centre frequency as a 15 minute LZeq.

c) Be capable of restricting noise breakout and transmission from the commercial use(s), and any associated plant or equipment, to all adjoining residential accommodation to levels complying with the following:

- (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours)
- (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours)
- (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours)
- (iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours)

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

[Noise Rating Curves should be measured as a 15 minute LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

Reason: In the interests of the amenities of neighbouring residents.

38. Before the use of any part of the development is commenced, Validation Testing of the sound insulation and 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 works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In the interests of the amenities of residents.

39. No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiting facility capable of limiting the sound level output of the system to a pre-set level which may then be secured in a tamper-resistant manner, the design and settings of which shall have received the prior written approval of the Local Planning Authority.

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

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

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

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

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

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

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

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

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

Other Compliance Conditions

43. No customer shall be permitted to be on the premises of either commercial unit hereby approved outside the hours of 0800 to 2300 on any day.

Reason: In the interests of the amenities of neighbouring residents.

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

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

45. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

46. The fire exit doors shall only be used as an emergency exit and shall not at any other time be left standing open.

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

47. No amplified sound or live music shall be played within the external area(s) of

the commercial use(s) hereby permitted, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time.

Reason: In the interests of neighbouring amenity.

48. The two commercial units hereby approved shall be used only for purposes falling under use class E as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended), or any subsequent Order which supersedes the 1987 Order.

Reason: To ensure the use of the units is appropriate for the character and amenity of the area.

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

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

3. The applicant should be aware that a legal agreement has been completed in respect of this proposal.
4. The required CMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CMP should include, as a minimum:

- Reference to permitted standard hours of working (0730 to 1800 Monday to Friday, 0800 to 1300 Saturday, no working on Sundays or Public Holidays).
- Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
- A communications strategy for principal sensitive parties close to the site.
- Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
- Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
- Vibration control measures.
- Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
- A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.

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

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

5. 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>.

6. 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/Cash Deposit required as part of the S278 Agreement.

You should apply for a S278 Agreement at the following webpage: <https://www.sheffield.gov.uk/roads-pavements/apply-s278-agreement> or by emailing highways_dc@sheffield.gov.uk

7. 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.

8. The developer should have regard to the advice provided by Yorkshire Water (published 05/07/2023) in relation to the existing drainage infrastructure on the site. The comments can be viewed in the Documents tab on the planning application file on the Council's Public Access website by searching for application ref. 23/01960/FUL.
9. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
10. In considering and devising a suitable Delivery Management Plan, useful reference may be made to the Department for Transport 2014 guidance document "Quiet Deliveries Good Practice Guidance - Key Principles and Processes for Freight Operators". Appendix A of the document provides general guidance, along with key points for delivery point controls, and driver controls.
11. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
12. Any felling / pruning / clearance of trees and vegetation should avoid the bird nesting season (March 1st - August 31st), unless a nesting bird check has been carried out by a suitably qualified ecologist. All wild birds, their active nests, eggs and young are protected under the Wildlife & Countryside Act 1981.

A significant number of feral pigeons roost within the upper floors of the derelict block. Unlike many birds, pigeons breed throughout the year so there is always a high chance of finding active nests. Feral pigeons (and their nests) are protected under the Wildlife & Countryside Act 1981 and will need to be dealt with humanely and lawfully.

13. The applicant is advised that, as per the attached condition, details of public art need to be agreed with the local planning authority prior to being implemented on site. Advice can be sought in advance of the submission of details from the Council's Public Art Officer. Please note there is an hourly charge for this advice.

You can contact the Public Art Officer at: publicart@sheffield.gov.uk

Further details on the Council's public art projects can be found at

<https://www.sheffield.gov.uk/planning-development/public-art-projects>

14. The developer should have regard to the advice provided by South Yorkshire Police's Designing Out Crime Officer (published 30/06/2023) in relation to security standards and recommendations for the development. The comments can be viewed in the Documents tab on the planning application file on the Council's Public Access website by searching for application ref. 23/01960/FUL.
15. Northern Powergrid advise that great care is needed when working in proximity to known Northern Powergrid apparatus in the area. All cables and overhead lines must be assumed to be live. Please contact Northern Powergrid or the Local Planning Authority for Mains Records which show the approximate location of Northern Powergrid apparatus in the vicinity of the site.

The developer is advised to refer to the publications HS(G)47 "Avoiding Danger from Underground Services" and GS6 "Avoidance of Danger from Overhead Electric Lines" by the Health & Safety Executive. Both of these documents provide comprehensive guidance for the observance of statutory duties under the Electricity at Work Regulations 1989 and the Health & Safety at Work Act 1974.

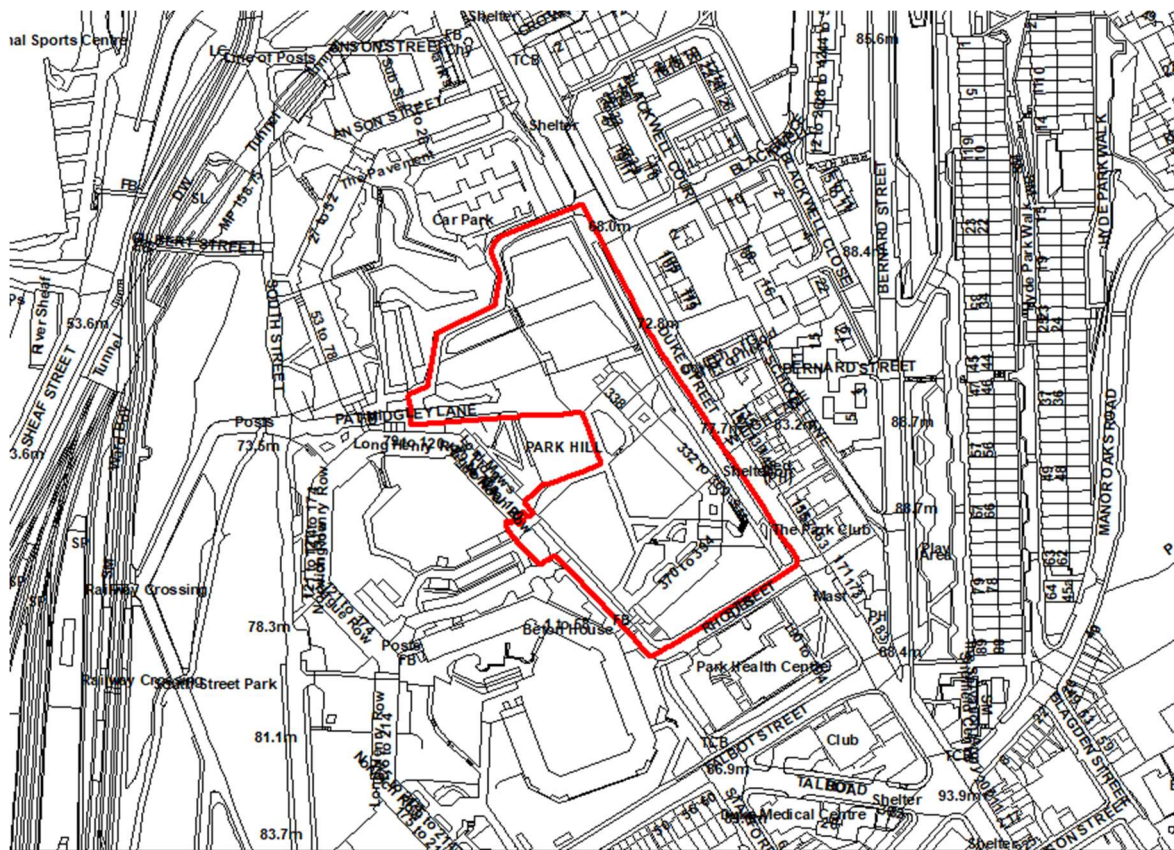
Please note that ground cover must not be altered either above cables or below overhead lines. No trees should be planted within 3 metres of existing underground cables or 10 metres of overhead lines. All Northern Powergrid apparatus is legally covered by a wayleaves agreement, lease or deed, or is protected under the Electricity Act 1989.

Should any alternation/diversion of Northern Powergrid apparatus be necessary to allow the development to be carried out, budget costs can be provided by writing to Network Connections, Alix House, Falcon Court, Stockton on Tees, TS18 3TU. Tel: 0800 0113433.

16. 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

Site Location



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INTRODUCTION

This is a joint report for planning application 23/01960/FUL and listed building consent application 23/01961/LBC. The applications are being presented to Planning & Highways Committee due to significant public interest.

The regeneration of the Park Hill estate has been ongoing for several years. Outline planning permission for the comprehensive redevelopment of the estate was first granted at Planning Committee in August 2006. This permission was for up to 874 refurbished flats across the whole of the existing Grade II* listed complex, together with a total of 13,761 square metres of various non-residential uses in refurbished and new-build spaces, along with landscaping and car parking. A number of matters were reserved by condition including details of design, external appearance, access and landscaping. The 2006 outline consent was subsequently varied three times (see full planning history below).

A reserved matters application for the first of five main phases of the project (the northernmost section) was approved in October 2007. However, as a result of market changes, the designs for Phase 1 evolved and an amended reserved matters application was approved in December 2011. This consent included a reduction in apartment numbers from 321 units to 263 units, and a deferral in the provision of a multi-storey car park to a later phase. The 2011 consent represents the as-built design for Phase 1, which was completed in March 2016.

The reserved matters application for Phase 2 was approved in December 2017. It granted consent for the refurbishment of the horseshoe-shaped block situated in the centre of the site, to provide 199 residential units and 1,963 square metres of commercial space. Phase 2 was completed in 2022.

In a departure from the consented outline scheme, planning permission and listed building consent were granted in July 2018 for the refurbishment of the Phase 3 block at the southern end of the site to provide student accommodation with some commercial space at ground floor level. Phase 3 was completed in 2021.

In a further departure from the consented outline scheme, planning permission and listed building consent were granted in August 2019 for the refurbishment of the Duke Street tower block at the eastern end of the estate for use as 95 residential units, education space, artist studios, flexible workspaces, temporary artist accommodation and heritage flats, plus an extension to form a purpose-built art gallery with ancillary shop and café. The consent for Phase 4 was never implemented and has now lapsed.

These applications seek planning permission and listed building consent for an amended version of the Phase 4 scheme, with the main difference being the omission of the purpose-built art gallery. Further details of the proposals now presented to Planning & Highways Committee are outlined later in this report.

The applications will not be subject to referral to the Secretary of State, as they do not involve the demolition of the principal building, the demolition of a principal

external wall of the principal building, or the demolition of all or a substantial part of the interior of the principal building.

LOCATION AND PROPOSAL

Site Location

The application site is located within the Park Hill estate to the east of the city centre. The estate covers approximately 13 hectares (32 acres) and is comprised of interconnecting wings that vary in scale from four to thirteen storeys. It is bound by Anson Street and the Park Square roundabout to the north, Duke Street to the east, Talbot Street to the south and South Street to the west. Beyond South Street is the Sheaf Valley Park which leads down to Sheffield Midland Station in the valley bottom. The core city centre is located to the west of the Station. To the north-east and south-east, the surrounding areas are predominantly residential in character.

Park Hill was built between 1957 and 1961 by the Corporation of Sheffield as an ambitious social housing project to replace the previous slum housing present on the site. This prominent Grade II* listed brutalist structure is now the largest listed building in Europe. A characteristic feature of Park Hill is the 'streets in the sky' that link all of the blocks with external decks wide enough to accommodate a milk float. These walkways, which were intended to replicate the close community of a terraced street, occur at every third level within the blocks, and all front doors lead onto the decks. The four blocks are served by 13 passenger lifts and two large goods' lifts. Large communal open spaces are located between the blocks, which snake around the landscape in an irregular arrangement. The roof height is consistent across the whole estate, with the number of storeys increasing towards the north as the topography falls.

Flats and maisonettes were designed around a three-bay, three-storey unit system comprising of a one-bed and a two-bed flat below deck level and a three-bed maisonette on and above the deck level. This system allowed for dual-aspect flats with high standards of daylight and, for many flats, spectacular views over the city centre. The rigid grid of flats and maisonettes also ensured that kitchens and bathrooms were stacked in pairs to facilitate servicing. Lifts, stairs, public houses and laundries were set at nodal points. The concrete structure was infilled with brickwork and full-height timber windows. Each of the three-storey bands (with the 'street' in the central storey of those bands) had a different brickwork colour, getting progressively lighter towards the top storey. The deck access shifts to different sides of each block to maximise the orientation of that wing, so that the balconies on the other side can benefit from the best views and sunlight.

Whilst the estate was celebrated by residents and critics in its early days, it gradually declined from the mid-1970s as local and national economic conditions led to widespread unemployment and social problems. By the 1990s the estate was facing huge problems of crime, drugs and lack of maintenance, and its brutalist design had become unpopular with many. Nonetheless, the building was listed in 1998 in recognition of its international importance as an imaginative flagship example of modernist inner-city social housing. At the turn of the 21st century, plans for the regeneration of the estate were put into motion, and three of the five phases are now

complete. Phase 1 involved the replacement of the brickwork infills with brightly coloured spandrel panels, whereas Phases 2 and 3 have restored the original brickwork and instead focused colour on the balcony reveals, being more muted tones in the case of Phase 2.

The Phase 4 site is located at the eastern end of the estate, bound by Duke Street to the east and Rhodes Street to the south. This eastern block ranges from seven to nine storeys, with three flanks, and connects to Phase 3 at the southern end. A detached former garage block sits to the west of the northern flank of Phase 4 and is currently used as an artists' studio and gallery space.

Application Proposal

These applications seek planning permission and listed building consent for an amended refurbishment proposal for the Phase 4 block. The block would be redeveloped in a similar manner to Phase 2, with the brick infills restored and the same colour palette used for the balcony reveals. The main difference from the previously approved Phase 4 proposal is that a new-build art gallery is no longer proposed. The existing garage block (which currently accommodates S1 Artspace and would have been replaced by the new building) is excluded from the application site boundary, and any potential redevelopment of that site would be reserved for a future application.

These applications therefore seek approval for refurbishment, alterations and landscape works only, with no new buildings. There are no longer any proposed workspaces or art studios within the existing building, and the use of the block would be purely residential except for two flexible commercial units (class E) at ground level: one at the northern end of the block, and one at the corner knuckle closest to Duke Street. The rest of the ground floor would be given to service functions (such as bicycle and bin stores) and residential maisonettes in a 'townhouse' typology, with private ground floor entrances and semi-private patios. The proposal was originally for a total of 124 dwellings but, for feasibility reasons, the application has been amended to omit an additional internal residents' stairway that was originally proposed. The resultant internal remodelling results in one additional flat, taking the total to 125.

The external areas would be landscaped in a similar style to the previous phases of the wider project, being mainly publicly accessible other than an area to the west of the northern flank of Phase 4, which would be for residents' use only. Two new car parking areas were originally proposed on the two existing grassed plateaus sitting between Phase 1 and Phase 4. The applications have now been amended to retain the northern plateau as open space, so that only the southern plateau would be hard surfaced for car parking, with the vehicular access being via South Street and Pat Midgley Lane. New servicing bays for bin collections and deliveries would be provided on Duke Street.

RELEVANT PLANNING HISTORY

06/00848/OUT In August 2006, outline planning consent was granted for the refurbishment and partial redevelopment of the Park Hill Estate

to provide residential accommodation (use class C3), multi-storey car park, landscaping, new vehicular and pedestrian access routes and A1, A2, A3, A5, B1 and D1 uses.

- 06/00849/LBC In September 2006, listed building consent was granted for the removal of buildings and structures within the curtilage of Park Hill Flats.
- 07/01962/OUT In July 2007, an application was approved under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 1 imposed by outline permission 06/00848/OUT, allowing for the phased development of the site.
- 07/02476/REM & 07/02475/LBC Partial demolitions, refurbishment and reconfiguration of existing flats, erection of multi-storey car park with ancillary A1 (retail), A3 (cafes/restaurants), A4 (bars), A5 (takeaways), D1 (health/education) and B1 (offices) uses and landscaping (reserved matters in accordance with 06/00848/OUT) were approved in October 2007. This resulted in full planning permission and listed building consent being secured for Phase 1.
- 08/02793/OUT In October 2008, an application to vary condition 7 (details of multi-storey car park) and condition 12 (car parking strategy) of outline planning permission 06/00848/OUT was approved under Section 73.
- 11/02801/REM & 11/03197/LBC A revised reserved matters submission for Phase 1 was approved in December 2011, including a reduction in apartment numbers from 321 units to 263 units, and a deferral in the provision of a multi-storey car park to a later phase.
- 12/01758/OUT An application under Section 73 to vary conditions 9 and 10 of outline planning permission ref. 06/00848/OUT, to allow landscaping, the creation of public access routes and highways improvement works to be delayed until Phase 2 of the development, was approved in September 2012.
- 12/01800/REM An application under Section 73 to vary condition 5 of reserved matters permission ref. 07/02476/REM, allowing highways improvement works to be delayed until Phase 2 of the development, was also approved in September 2012.
- 13/00794/RG3 Planning permission was granted for the provision of a pedestrian link path/cycleway in May 2013.
- 17/00743/FUL Planning permission was granted for the use of the garage block as an art studio, with alterations including the installation of a skylight, replacement windows and a fire escape, in April 2017.

17/03486/REM & 17/03686/LBC	In December 2017, reserved matters consent (in accordance with outline consents 06/00848/OUT, 07/01962/OUT, 08/02793/OUT and 12/01758/OUT) was granted for the central block, to provide 199 residential units and 1,963 square metres of commercial space (A1, A2, A3, A4, B1, D1 and D2 uses), landscaping, car parking and associated works. These applications formed the detailed consent for Phase 2.
18/01699/FUL & 18/01700/LBC	In July 2018, full planning permission and listed building consent were granted for external and internal alterations to the southern block (Phase 3) for use as student accommodation (Sui Generis), including use of part of the ground floor as use classes A1, A2, A3, A4 and/or D2, erection of cycle store and provision of landscaping, car parking and service areas, a sub-station and boundary treatments. These Phase 3 consents represent the first departure from the original outline scheme.
18/04469/NMA	A non-material amendment (NMA) to planning approval 18/01699/FUL to allow for the relocation of the substation was granted in December 2018.
19/00548/NMA & 19/00556/LBC	In March 2019, an NMA and listed building consent were granted to allow alterations to the approved shared bathroom arrangements in Phase 3, in order to provide en-suite bathrooms.
19/00302/REM	In May 2019, consent was granted under Section 73 to allow amendments to the wording of condition 7 of 17/03486/REM (internal subdivision of commercial unit).
19/00253/OUT	An application under Section 73 to remove conditions 10 and 28 (highway improvements), and to vary the wording of conditions 7 (external details of multi-storey carpark) and 15 (cycle parking accommodation) of planning permission 12/01758/OUT was approved in October 2019.
19/00523/FUL & 19/00902/LBC	Full planning permission and listed building consent were granted in August 2019 for the refurbishment of the Duke Street tower block for a mixed-use development comprising of 95 residential units, education space, artist studios, flexible workspaces, temporary artist accommodations and heritage flats, and an extension to form a new purpose-built art gallery with ancillary shop and cafe, landscaping, car parking and associated works (use classes B1, C1, C3 and D1), forming Phase 4 of Park Hill's regeneration.

19/01850/NMA	An NMA to allow the removal of a steel entrance canopy (amendment to planning approval 18/01699/FUL) was granted in May 2019.
19/04090/FUL	Planning permission was granted in February 2020 for the relocation of an existing substation to create a new public route through to Phases 2 and 3.
21/01217/NMA	An NMA to allow a variation to the original description of reserved matters approval 17/03486/REM to remove reference to the apartment numbers for Phase 2 was granted in April 2021.
21/04319/REM & 21/04417/LBC	Applications to vary the wording of condition 6 of outline permission 12/01758/OUT (under Section 73 of the Town and Country Planning Act) and listed building consent 17/03686/LBC (under section 19 of the Listed Buildings and Conservation Areas Act) to remove reference to car park screening were approved in November 2021.
22/02659/NMA	An NMA to allow amendments to the trigger points of conditions 3, 4, 6, 7, 8 and 26 of planning approval 19/00523/FUL was granted in July 2022 (although the permission eventually lapsed in August 2022 regardless).

SUMMARY OF REPRESENTATIONS

Initial Advertisement Period

The application has been advertised in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Neighbour consultation letters were sent out to neighbouring properties with an adjoining boundary. Notices were displayed around the site location. A press notice was displayed in the Sheffield Telegraph.

Across both the planning application and the listed building consent application, objections were received from 142 households, including comments from Cycle Sheffield, Sheffield District Cyclists' Touring Club (CTC), South Yorkshire Climate Alliance, the Trans Pennine Trail Partnership & Sustrans, and City Ward Councillors. Two supportive comments were also received.

The objections can be summarised as follows:

- The green space in the existing layout is one of the best aspects of living at Park Hill.
- Losing green spaces to accommodate car parking would be detrimental to mental health.

- Creating extra space for cars will encourage an increase in the number of cars.
- The area has excellent public transport connections, and the site is within walking distance of all major facilities in the city centre, so the use of cars by new residents should be discouraged.
- The proposal is incompatible with Sheffield's aims to be a green city.
- Private cars should be eliminated altogether in urban areas.
- The applicant has not been upfront with existing residents.
- The Transport Committee recently rejected a scheme for permit parking in the area because there isn't pressure on the streets around the scheme. This shows that the limited parking needs of the new development could be accommodated through existing on-street parking.
- The applicant wants more off-street parking so that it can sell the properties with higher values.
- The destruction of green space goes against Sheffield's aims to be an Outdoor City.
- The applicant would not attempt to eradicate green space in a wealthier part of the city.
- The existing parkland is used regularly and supports physical and mental health, as well as regulating flooding and extreme temperatures.
- The proposed parking provision is contrary to the promotion of active travel.
- Residents enjoy the existing views of green space, which would become ugly if filled with parked cars.
- Other parking options should be explored, such as providing parking on Rhodes Street or using the garage block currently used by S1 Artspace.
- The car parks will destroy nature and biodiversity.
- Additional parking will create an unsafe environment.
- Social events are held on the existing green spaces, and their loss will be harmful to the community.
- The quantity of parking is excessive compared to previous phases.
- Commercial tenants should not be given parking permits, and parking should be for residents only, with no pay-and-display.
- Cycle parking provision should be increased, and more detail should be provided. It is not acceptable for bicycles to be stored on balconies or within homes.
- Pat Midgley Lane and South Street should have no on-street parking and should be enforced as appropriate.
- Additional parking will increase pollution and is contrary to the climate emergency declaration.
- Parking for electric vehicles should be shown on the site plan.
- The submission makes no reference to the Trans Pennine Trail or other cycle routes.
- The car park should be adequately screened with greenery.
- Before work begins on Phase 4, issues with Phase 2 should be resolved.
- Insufficient cycle parking has been provided as part of Phase 2.
- Residents pay management charges towards the green spaces, and this should be taken into account.
- The additional parking will result in a huge increase in traffic and a deterioration in pedestrian and cycle safety. South Street has no pavement but will no longer have low volumes of car traffic.

- Approving more parking would be contrary to the aims of the Clean Air Zone.
- Additional traffic would create noise disturbance.
- There is no protected space for not-for-profit car-sharing vehicles.
- There should be dependable car club provision, and one space for the whole of Park Hill is insufficient.
- The modal share set out in the Transport Statement suggests that there is no requirement for the amount of car parking proposed.
- The need for car parking should be reviewed.
- The developer should enhance the cycle network, including changing the access route to the Phase 1 car park, providing a signalised crossing at Talbot Street, pedestrianisation of South Street, and funding improvements to the Sheaf Valley Cycling Route, as well as cycle provision between Angel Street and Fargate.
- The loss of green space will devalue the existing apartments.
- Green spaces are well used by residents for sports and leisure.
- Following the street trees scandal, the Council should not approve the loss of green space.
- The loss of green space would be harmful to the setting of the Grade II* listed building, and Park Hill would lose its identity.
- Solar panels should be provided on the roof.
- A plan for the development of the S1 Artspace building should be part of the Phase 4 scheme.

The comments in support of the development can be summarised as follows:

- This further phase of conservation and refurbishment is welcomed.
- Suitable standards and methods appear to be proposed from looking at the drawings.
- The car parking provision is accepted and seems fairly hidden away, and there are some people who need cars.
- The surrounding area is currently experiencing insufficient parking, which has led to drivers using the kerbs on South Street and overparking on Rhodes Street.
- The proposed car park would prevent further overparking.
- A good compromise would be to integrate the green space into the car park.

The protection of a particular view from a private dwelling is not a material consideration. The conduct of the applicant, and the ways in which they have chosen to engage with existing residents, are not material planning considerations. The motives of the applicant (such as supposed desires to achieve higher prices for the new flats) are also not a material planning consideration. Issues around Phase 2 are not directly related to the Phase 4 proposal, and management charges paid by existing residents are also not relevant. The effect of a development on local property values cannot be considered. Hypothetical alternative development proposals cannot be taken into account. The proposal must be assessed on its own merits.

All other comments relate to material planning considerations which are discussed in detail in the Planning Assessment below.

Re-advertisement Period

The applications were re-advertised in full in September 2023 to reflect amendments to the proposal: most significantly, the omission of one of the car parking areas, and the addition of one flat.

To date, the Council has received 11 further objections to the amended proposals. Eight objections were from people who had already commented on the scheme initially submitted, and two were from new commenters, taking the total number of objectors over both advertising periods to 143. The objections to the amended proposal can be summarised as follows:

- There is still too much parking, and too much green space would be lost.
- The reduction in car parking is welcome but doesn't go far enough.
- New parking should be provided within the courtyard of Phase 4 rather than on existing space which has been maintained through residents' service charges.
- There should not be further gated and exclusionary spaces, as the public is already excluded from the Phase 2 gardens.
- It is accepted that some car parking is needed, as public transport is not always adequate, but this should not be at the expense of green space.
- The survey of existing residents, which was undertaken by the applicant to re-assess parking demand, was biased with leading questions and insufficient meaningful consultation with residents.
- The car park isn't needed, as the existing car parks are not full in the evenings when commuters leave.
- There is still not enough cycle parking provision, and storage within flats is not suitable.
- Secure cycle storage across Phases 1 and 2 is sparse, and the applicant should address this across the whole estate.
- Access to the car park via South Street would lead to increased traffic, and there should be a new pedestrian crossing to Norfolk Road.
- Frequent dangerous parking on Pat Midgley Lane needs to be sorted out, and customers at the newly opened bar in Phase 2 are adding to this pressure.
- The developer has not engaged with alternative routes to the car park.
- The area at the top of South Street at the amphitheatre frequently experiences anti-social behaviour and should be developed to discourage this.
- There are not enough car club spaces or electric vehicle charging points across the estates.
- There should be more consideration of low and zero carbon technologies, such as photovoltaic panels and heat recovery.

As was the case for the original comments, objections relating to residents' service charge arrangements, other phases outside the application site boundary, and hypothetical proposals for alternative parking arrangements cannot be taken into account – the application must be judged on its own merits. Any anti-social behaviour around the amphitheatre is not reasonably related to the Phase 4 site (which is on the other side of the estate) and cannot be resolved through this application. The parking behaviour of existing drivers, and issues relating to previous

phases outside the application site, are not relevant to this planning application. All other comments on the amended proposal are reasonably related to material planning considerations which are discussed in detail within the Planning Assessment below.

RESPONSES TO DIRECT EXTERNAL CONSULTATION

Key statutory and advisory consultees from external bodies have been invited to provide comments on technical and other matters to inform the Local Planning Authority's eventual decision. External consultees' comments are referred to where relevant in the Planning Assessment below, but are also summarised here for clarity:

Northern Powergrid

Guidance is provided in relation to working near electricity apparatus. This can be communicated to the developer through an informative note on the decision notice.

Superfast South Yorkshire

Condition requested in relation to the provision of full-fibre broadband for the dwellings permitted.

Health and Safety Executive (Fire Safety)

No response received.

South Yorkshire Police

Advice provided in relation to security standards for the development. This can be communicated to the developer through an informative note on the decision notice.

Historic England

No advice offered.

South Yorkshire Mayoral Combined Authority

Further details of cycle parking are requested. This can be secured through condition. The site is well located in relation to bus infrastructure, and there are opportunities for the proposed development to promote the use of travel by bus, including by improving the quality and convenience of bus stop infrastructure. Bus stop 37023081, on Duke Street, currently has a flagged pole only and is a priority for upgrading. A developer contribution is requested for a shelter and real-time passenger display for this stop. If not feasible or viable due to the requirement to extend into the adjacent grassed area to achieve sufficient footway width, an alternative proposal for a pole-mounted battery-powered display of live bus times would be supported. It is also requested that a passenger travel information screen be displayed in a relevant area of the building (e.g. the main entrance lobby) to display real-time information on bus and tram departures. This can be secured through condition.

Sheffield & Rotherham Wildlife Trust

Roosting opportunities for bats and birds, including swift bricks, should be provided. Boundaries should remain porous to hedgehogs. The proposals show a modest biodiversity net gain despite the loss of some green space, but the proposal is objected to due to the amenity value of that space for residents. If car parking is to be provided, it should focus on blue badge spaces, electric vehicle charging points, car clubs and deliveries.

PLANNING ASSESSMENT

Policy Context

National policies are contained in the National Planning Policy Framework 2023 (NPPF). The following sections of the NPPF are relevant:

- Chapter 2: Achieving sustainable development.
- Chapter 4: Decision-making.
- Chapter 5: Delivering a sufficient supply of homes.
- Chapter 6: Building a strong, competitive economy.
- Chapter 7: Ensuring the vitality of town centres.
- Chapter 8: Promoting healthy and safe communities.
- Chapter 9: Promoting sustainable transport.
- Chapter 11: Making effective use of land.
- Chapter 12: Achieving well-designed places.
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15: Conserving and enhancing the natural environment.
- Chapter 16: Conserving and enhancing the historic environment.

Further national policies can be found in the Planning Practice Guidance (PPG) and the National Design Guide (2019).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Sheffield comprises the Sheffield Core Strategy (adopted March 2009) (formerly called the Sheffield Development Framework Core Strategy) and 'saved' policies from the Sheffield Unitary Development Plan (1998) (UDP).

The site is identified on the UDP Proposals Map as being within a Housing Area.

The application of Sheffield's development plan policies must take account of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (including where they are inconsistent with the NPPF or where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), planning permission

should be granted unless:

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

This is referred to as the 'tilted balance'. As Sheffield is currently unable to demonstrate a five-year housing land supply, the tilted balance is engaged for all housing development proposals, although listed buildings are designated heritage assets and refusal could still be justified if NPPF policies relating to their protection provide a clear reason not to grant permission.

Paragraph 219 of the NPPF states that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF. The appropriate level of weight afforded to Sheffield's relevant development plan policies is set out below, based on their degree of conformity with the provisions of the NPPF.

The following Core Strategy policies are relevant in this case:

- CS14: City-wide Distribution of Shopping and Leisure Development (moderate weight)
- CS23: Locations for New Housing (moderate weight)
- CS24: Maximising the Use of Previously Developed Land for Housing (moderate weight)
- CS26: Efficient Use of Housing Land and Accessibility (significant weight)
- CS40: Affordable Housing (significant weight)
- CS41: Creating Mixed Communities (moderate weight)
- CS46: Quantity of Open Space (significant weight)
- CS47: Safeguarding Open Space (limited weight)
- CS51: Transport Priorities (significant weight)
- CS53: Management of Demand for Travel (moderate weight)
- CS54: Pedestrian Routes (significant weight)
- CS55: Cycling Routes (significant weight)
- CS63: Responses to Climate Change (significant weight)
- CS64: Climate Change, Resources and Sustainable Design of Developments (significant weight)
- CS65: Renewable Energy and Carbon Reduction (significant weight)
- CS66: Air Quality (significant weight)
- CS67: Flood Risk Management (significant weight)
- CS73: The Strategic Green Network (moderate weight)
- CS74: Design Principles (significant weight)

The following UDP policies are relevant:

- BE5: Building Design and Siting (significant weight)
- BE6: Landscape Design (significant weight)
- BE9: Design for Vehicles (moderate weight)
- BE10: Design of Streets, Pedestrian Routes, Cycleways and Public Spaces (significant weight)
- BE12: Public Art (significant weight)
- BE19: Development affecting Listed Buildings (limited weight)
- BE22: Archaeological Sites and Monuments (significant weight)
- GE10: Green Network (significant weight)
- GE11: Nature Conservation and Development (moderate weight)
- GE15: Trees and Woodland (moderate weight)
- GE22: Pollution (significant weight)
- GE23: Air Pollution (significant weight)
- GE24: Noise Pollution (significant weight)
- GE25: Contaminated Land (significant weight)
- H10: Development in Housing Areas (significant weight)
- H14: Conditions on Development in Housing Areas (significant weight)
- H15: Design of New Housing Developments (significant weight)
- H16: Open Space in New Housing Developments (very limited weight)
- LR5: Development in Open Space Areas (moderate weight)
- S5: Shop Development Outside the Central Shopping Area and District Centres (moderate weight)
- T8: Pedestrian Routes (moderate weight)
- T10: Cycle Routes (moderate weight)
- T21: Car Parking (moderate weight)
- T28: Transport Infrastructure and Development (significant weight)

The following additional local policy and guidance documents are relevant:

- Climate Change and Design SPD
- CIL and Planning Obligations SPD
- City Centre Strategic Vision
- Highways Adoption and Information Sheets

Sheffield City Council is preparing a new draft local plan (the Sheffield Plan) to supersede the Core Strategy and UDP. Following public consultation, the draft Sheffield Plan has now been submitted for examination. At this stage in the adoption process, the draft Sheffield Plan has limited weight in decision-making, but it is referred to in the below appraisal as an indication of the anticipated future direction of travel in terms of planning policy, where relevant.

The key planning issues in this case are discussed in full below, and are summarised as follows:

- Land Use
- Density and Mixed Communities
- Design and Conservation
- Residential Amenity

- Highway Safety, Parking and Accessibility
- Ecology, Trees and Landscaping
- Flood Risk and Drainage
- Pollution and Contamination
- Energy and Sustainability
- Archaeology
- Employment and Skills
- Community Infrastructure

Land Use

Housing

The Park Hill estate lies within a designated Housing Area as shown on the UDP Proposals Map. Policy H10 of the UDP has significant weight and describes housing as the preferred use of land. Policies CS23 and CS24 of the Core Strategy support the efficient use of brownfield land to meet housing needs, and the City Centre Strategic Vision (March 2022) identifies Park Hill as a major regeneration project to bring in a vibrant residential population. The Vision, though not an adopted planning policy document, is a background paper for the draft Sheffield Plan, which specifically allocates the remainder of Park Hill for residential development.

In chapter 5 of the NPPF, the Government sets out objectives for significantly boosting the supply of homes. Paragraph 119 of the NPPF also states that planning decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 11 sets out the ‘tilted balance’, lending extra support to housing proposals where local authorities are unable to demonstrate a five-year deliverable supply of housing sites in line with the requirement in paragraph 74.

As set out in Sheffield’s latest five-year housing land supply monitoring report (December 2022), according to the standard calculation method set out in the PPG, Sheffield’s annual local housing requirement is 3018 homes, taking into account projected household growth, local affordability ratios and the 35% uplift for England’s largest towns and cities. The total net five-year requirement, allowing for a 5% buffer to ensure competition and choice, is 15,845 homes. Sheffield is able to demonstrate a net deliverable supply of 11,506 homes, equating to only 3.63 years and thereby engaging the tilted balance in favour of housing development proposals.

In line with paragraph 11(d) of the NPPF, planning permission must be granted unless assets of particular importance are affected, 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. As such, and with regard to adopted and emerging local land use policies, the principle of residential development in this location is acceptable. Re-use of the block as residential accommodation is welcome and has already been established by previous permissions.

Commercial Uses

The previous permission for Phase 4 included artists' studios, flats and workspaces, along with a new-build art gallery. These plans have now been abandoned in favour of a more straightforward residential refurbishment. Whilst the previous plans for an art gallery would have provided an exciting cultural offer to Sheffield and South Yorkshire, there is no planning policy requirement to provide an art gallery at Park Hill, and this application must be assessed on its own merits. The loss of the art gallery cannot represent a reason for refusal when the proposed land uses are in accordance with policy designations for Housing Areas.

This new Phase 4 proposal does introduce two flexible commercial units at ground floor level, with a cumulative total of 450 square metres of floorspace. These units would fall within class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) and would represent a "main town centre use" as described in the NPPF.

Alongside housing, policy H10 allows for small shops, food and drink, and business uses in Housing Areas. However, paragraph 87 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. This sequential approach is in place to protect the vitality and viability of town centres, and also reflects the requirements of policy CS14 of the Core Strategy and policy S5 of the UDP. However, these policies have only moderate weight as the boundaries of the Central/Primary Shopping Area are out of date, and parts of the policies equate edge-of-centre development with development within the defined centres. Nonetheless, the application site is not in a retail centre and a sequential test is required.

A sequential assessment was submitted with the planning application, identifying that the nearby Local Centre shown on the UDP Proposals Map is now occupied by Phase 1 of Park Hill and its car park. As such, the designation is out of date and there is no availability. The assessment acknowledged a proposed new Local Centre in the draft Sheffield Plan, focused around Duke Street and Talbot Road, but dismissed this centre due to the Sheffield Plan not being adopted, and stated that it had no availability.

Officers felt that this submission did not satisfactorily address the sequential test requirement, as there was not a robust search for available sites in either the proposed new Local Centre or in the Central Shopping Area. An amended retail sequential assessment has since been submitted. It identifies that there are three vacant terraced units in the new Local Centre, but these are not being actively marketed and are too small to accommodate the level of floorspace proposed at Park Hill. Four sites are identified in the nearest quarters of the city centre, but these are either too small, too large, or unavailable. The submission also highlights the PPG, which states that certain main town centre uses may have "locational requirements which mean that they may only be accommodated in specific locations".

Officers felt that more of the core shopping area in the city centre should have been included within the area of search, but a recent review of vacant properties of that scale in the city core has shown that those units either have reoccupation proposals

or are being refurbished, so are not currently available. Furthermore, it must be acknowledged that the proposed units are small-scale and unlikely to have a significant regional catchment to draw trade away from the Central Shopping Area. The units are a key element of the development, providing services for local residents and street activation at key nodes. Taking a proportionate approach, the light-touch sequential test must be balanced against the overall regeneration benefits of the proposal, and the commercial spaces can be accepted on balance.

Density and Mixed Communities

Density

Policy CS26 of the Core Strategy sets out density standards for new residential developments, being in conformity with paragraph 125 of the NPPF. The policy states that schemes near to a Supertram stop should have a density of between 40 and 60 dwellings per hectare. However, whilst the site is not shown within the city centre on the Core Strategy Key Diagram, it is shown within the Central Area in the draft Sheffield Plan. As such, it would be reasonable to also consider the minimum density criterion for the city centre, being 70 dwellings per hectare as set out in policy CS26.

As amended, the proposal would deliver 125 dwellings on a site of approximately 1.86 hectares, representing a density of 67.2 dwellings per hectare. This sits between the requirements for the city centre and for well-located sites outside the city centre and is therefore appropriate for the application site. The proposal is driven by the character of the existing building and is not considered to represent an overdevelopment.

Affordable Housing

Policy CS40 of the Core Strategy seeks the provision of affordable housing where this is practicable and financially viable. However, the site falls within the City Centre Affordable Housing Market Area as set out in the CIL and Planning Obligations SPD, where affordable housing is generally considered to be unviable, and no affordable housing contribution is sought. As such, there is no policy requirement to secure affordable housing through the planning system in this case.

Whilst no affordable housing is secured through this planning application, it should be noted that 96 affordable units were delivered within Phase 1 of the Park Hill regeneration project. This equates to 21% of the units that form Phases 1 and 2, which were built under the original outline consent (which included a condition requiring no less than 20% affordable housing). As this is a full application which must be considered on its own merits with regard to current planning policies, there would be no justification to refuse this standalone Phase 4 proposal based on a lack of affordable housing.

Housing Mix

Policy CS41 aims to ensure the development of mixed communities, where “no more than half the new homes in larger developments should consist of a single house

type” in the city centre and requiring a “greater mix” in other locations, including “homes for larger households”.

As amended, the proposed residential accommodation would comprise 27 one-bedroom units, 77 two-bedroom units, 20 three-bedroom units, and one four-bedroom unit. Two-bedroom units would account for 62% of the accommodation delivered. Whilst representing more than half of the homes, there would be a large range of different two-bedroom flat types within the scheme. For a development on the edge of the city centre, it is positive that the substantial majority of homes would have more than one bedroom, and the proposal would thereby increase the number of family homes in the city centre. The housing mix is considered to be acceptable.

Design and Conservation

Policy CS74 of the Core Strategy sets out design principles for new development, including requirements for developments to respect and enhance the townscape character of the city’s districts, neighbourhoods and quarters, with their associated scale, and the distinctive heritage of the city. Policy BE5 of the UDP also puts forward design policy, including requiring developments to complement the scale, form and style of surrounding buildings and, in the case of extensions and alterations, the detail and materials of the original building. Policy H14(a) also states that buildings and extensions in Housing Areas must be well designed. These policies are considered to fully accord with the design principles in paragraph 130 of the NPPF which, among other requirements, states that developments should be sympathetic to local character and history.

Policy BE19 of the UDP states that internal or external alterations to a listed building will be expected to preserve the character and appearance of the building and, where appropriate, to preserve or repair original details and features of interest. Proposals for changes of use will be expected to preserve the character of the building. Proposals for development within the curtilage of a building will be expected to preserve the character and appearance of the building and its setting. The original use of the listed building will be preferred but other uses will be considered where they would enable the future of the building to be secured. However, heritage policies in the UDP are not considered to conform with the NPPF, as they do not allow for an assessment of the level of harm, and its balancing against the public benefits of a development proposal.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 201 states that where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm. Paragraph 202 states 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.

A similar duty is prescribed by section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended), which states that that the Local Planning Authority shall have “special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

Alterations to the Listed Building

The general approach to the residential refurbishment follows that previously undertaken for Phase 2, and latterly approved under the previous Phase 4 scheme. The approach is light-touch, based on retaining and repairing (where required) the concrete frame, brickwork, and party walls, retaining the full width of the ‘streets in the sky’, and applying colour in a restrained manner. Colour would be focused on the balcony reveals and individual apartment entrance door surrounds, with different colours being used for different apartments to aid external legibility and provide personality. All existing windows would be replaced with double-glazed aluminium units and sliding glass doors to the balconies. The pattern of the proposed windows picks up on the rhythm of the existing windows, but removes the multiple horizontal transoms to create large, full height openings. There would be some limited enlargements of window openings to improve daylight provision to some of the one-bedroom flats.

The design approach is again supported, striking the right balance between celebrating the building’s characteristic features and modernising the block for contemporary living. Similar interventions have been seen to work successfully at Phase 2, and the Heritage Statement demonstrates that the applicant has understood and respected the significant elements of the listed building. Compared to the expired Phase 4 permission, this new scheme is less interventionist, as it abandons the art gallery extension, allowing for more of the original elevations to be retained. In conservation terms, this lessens the harm to the listed building, although there are some other new elements introduced.

New lobbies would be created at the base of the lift and stair cores at either end. At the main northern entrance to the Duke Street block, the previously open core would be enclosed with glazing, with the main entrance being in between the stairs and the lift, with a projecting aluminium reveal. At first floor level, the ‘street in the sky’ would be extended above the entrance to improve the visibility of the entrance. These interventions are supported for safety and legibility reasons. Inside the lobby, mosaics would be used for feature walls to reference the mosaics used nearby for the ‘ladies’ and ‘gentlemen’ toilet signs in the former Link pub. The Conservation Officer suggests that there is an opportunity to differentiate between new interventions and the original fabric via utilisation of a different size, colour or texture of mosaic, and the same would apply to the setts on the floor. Details of the mosaics and setts can be secured through a condition of the listed building consent.

The balconies at the corner ‘knuckle’ between the northern and middle flanks of the block are now proposed to be extended to provide a more generous outdoor space for residents. This is supported in principle, but the case officer and Conservation Officer initially had concerns that this would create an overly uniform appearance and would have little reference to the historic fabric. The proposal has now been

amended so that metal balustrades would be provided in the location of original eyelet balconies, with the remainder of the balustrade being glazed, providing additional visual interest and legibility of the original layout. Further details of the balconies can be secured through condition.

With artists' facilities no longer forming part of the proposal, much of the ground floor would now be given to duplex 'townhouses' with individual entrances. The principle of this has previously been accepted at Phase 2. The townhouse typology is changed slightly in this new proposal, with an additional brick panel on the ground floor to provide further privacy, rather than being almost entirely glazed. This is supported, as it would retain to a greater extent the rhythm of the original solid-to-void ratio.

Other ground floor areas would become commercial units (class E), including the former Link public house at the northern end, whose zig-zag frontage to Duke Street would be retained with replacement glazing and aluminium frames. The zig-zag bays to the courtyard can be removed, as these are a later intervention of a poorer quality. The commercial unit at the northern end would occupy a larger area than the original pub and, as amended, louvres to the top of the openings on the courtyard side where the pub was previously located would provide some differentiation from the other ground floor openings, which would be fully glazed. Again, this would aid the legibility of the original layout. Mosaics would be retained in the location of the gentlemen's toilet block, but it is accepted that they are in too poor condition to retain elsewhere.

Overall, the cumulative impact of various interventions to the listed building would have less than substantial harm in terms of retaining its original character and features, as acknowledged in the Heritage Statement. However, bringing the listed building back into use, primarily for its original purpose, and restoring public access to the external spaces around it, would be significant benefits of the proposal, along with the substantial weight given to housing delivery. The alterations, whilst changing the character of the building to a minor degree, would serve to modernise and enhance its most significant features, making it habitable for contemporary living and improving public appreciation of the building. Any less than substantial harm to the fabric of the listed building is therefore clearly outweighed.

Site Layout, Public Realm and Landscaping

Policy BE6 of the UDP advises that good quality landscape design is expected in all new developments and that this should provide an interesting and attractive environment which integrates existing landscape features into the development. The key concept for this phase of the Park Hill external works is to bring a sense of the wider landscape into the heart of the site, effectively bringing the 'park' back into Park Hill. Original concrete walls would be restored, with later facings removed where relevant. Later brick walls would be re-faced with corten steel to give a rough aesthetic, contrasting with the soft landscaping, which would be inspired by native heathlands. New boundary treatments (including around the semi-private residents' amenity area) would include lightweight steel fencing finished in black, being 1.2 metres in height to avoid appearing visually oppressive. Hard surfacing would

include a range of block paving and plank paving types, bound gravel and grasscrete. The landscape approach is considered to be acceptable in principle, but further details of hard and soft landscape features are required, to be secured through condition.

The car parking strategy originally included two fairly large areas of parking within the existing grassed plateaus between Phase 1 and Phase 4. Using both of these spaces for parking was considered to be discordant with the wider setting, given their prominent location on Duke Street and the otherwise sensitive incorporation of parking around the rest of the site. This proposal would have resulted in three adjacent car parks sitting along Duke Street, with the expanse of cars being harmful to the setting of the listed building. The amended proposal retains the northern plateau as green space, providing an improved sense of spaciousness and a meaningful green buffer between the parking areas. The revised parking proposals are no longer considered to unacceptably harm the setting of the listed building.

The application site boundary for this application is drawn such that the existing garage block, and the land between that block and the Phase 2 wing of the main building, are excluded from the proposal. As such, the proposal would not create a new connection up to Rhodes Street from Pat Midgley Lane in this position, as was a benefit of the previous Phase 4 scheme. The case officer has requested a link to be added, but the applicant has clarified that this would need to be considered in conjunction with any future proposals for the redevelopment and repurposing of the existing garage block, which are uncertain at this point in time. Whilst it would have been desirable for a link to be introduced through this proposal, the ramped route to the east of the garage block would still increase connectivity compared to the existing situation, and it would be unreasonable to insist upon improvements to the land to the west of the garage block when this could potentially prejudice future development.

Public Art

Policy BE12 states that the provision of public art in places which can be readily seen by the public will be encouraged as an integral part of the design of major developments. Details of public art can be secured through condition.

Residential Amenity

Paragraph 130(f) of the NPPF requires developments to provide a high standard of amenity for existing and future users. Policy GE24 of the UDP also states that development must not create noise levels which would cause a nuisance, nor locate sensitive uses and sources of noise pollution close together. Policy H14 states that new development in Housing Areas must not deprive residents of light, privacy or security, and must not suffer from unacceptable air or noise pollution. Policy H15 requires adequate private gardens or communal open space in new housing developments. The relevant sections of these UDP policies are considered to accord with the provisions of the NPPF and are therefore afforded significant weight.

Noise

A Noise Assessment has been submitted, considering the noise environment for new residents (with particular regard to traffic noise), and setting out indicative acoustic specifications for windows and insulation. The Environmental Protection Officer considers this Assessment to be mainly satisfactory, and has requested conditions relating to sound insulation, including validation testing to ensure that the stated noise levels are achieved. Noise from the construction period can be dealt with through a Construction Management Plan, secured through condition.

The Noise Assessment does, however, fail to consider the impact of noise (and potential kitchen odours) from the commercial units. As such, conditions relating to sound attenuation and the control of plant, equipment, amplified sound, opening hours, kitchen extraction equipment, deliveries and servicing are requested to ensure that the commercial uses do not negatively impact upon the amenity of residents above. Subject to these conditions, it is considered that noise can be adequately controlled.

Daylight, Outlook and Privacy

The proposal would not create any problems in terms of overlooking or overshadowing of neighbouring dwellings. The existing building is separated from the nearest dwellings on the Park Hill estate (in Phase 2) by over 60 metres and is separated from buildings on the opposite side of Duke Street by approximately 21 metres. No new buildings or extensions would be erected which might harm neighbouring amenity. As per the original designs for Park Hill, the refurbished apartments would be dual-aspect, with high standards of daylight and sunlight.

Space Standards

Compliance with the Nationally Described Space Standard (NDSS) is expected to form a policy requirement following the eventual adoption of the draft Sheffield Plan, but under the current adopted development plan there are no policies which specifically require dwellings to exceed a prescribed minimum internal area. Nonetheless, the NDSS forms a useful benchmark for assessing internal spaciousness as part of the overall consideration of residential amenity under paragraph 130(f) of the NPPF.

When assessing the dwelling types against the NDSS, the case officer found that 13 out of the 36 flat types would fall slightly below the NDSS standards, equating to 52 dwellings in total (42% of the flats delivered through this phase). However, in many cases, the shortfall in overall floor area is as small as 1 or 2 square metres. In other cases, the overall floor area greatly exceeds the NDSS minimum, and it is only the bedroom sizes that fall short. Of the flat types that do exceed the NDSS minima, some are larger by a significant degree, providing a very generous standard of accommodation. Considering that the floor plans are constrained by the existing layout of the listed building, and that the NDSS is not yet an adopted policy requirement, the proposal is acceptable in terms of internal space standards. In terms of private outdoor space, every flat type has at least one balcony, with some of those balconies being very generous in size, and with an excellent outlook. This adds to the high overall living standards provided by the development.

Public Open Space

Policy H16 of the UDP requires sites of over 1 hectare to be laid out as 10% public open space, but this policy is out of date. Policy CS46 of the Core Strategy simply states that new open space will be created where there is a quantitative shortage of open space per head of population, and where required for extending the city's Green Network. The CIL and Planning Obligations SPD adds more detail, and only seeks 10% open space on sites of 4 hectares or more. Nonetheless, despite the initial proposal containing two fairly substantial car parks on existing green space, and delineating some of the outdoor space for residents' use only, that proposal did include approximately 0.19 hectares of publicly accessible open space: the grassed area to the immediate south of the garage block (which is currently fenced off), and a smaller area to the west of the southern plateau and the northern entrance to Phase 4 (which is already accessible). This amounts to 10.2% of the total site area of 1.86 hectares.

Whilst the initial proposal clearly exceeded current policy requirements for open space within a development of this scale, it must be acknowledged that the areas to the north of the site represent existing green space which is already publicly accessible. By far the most common objection to this application has been a feeling amongst existing residents that this green space should be retained rather than being surfaced for car parking. Although the existing green spaces are not allocated as Open Space Areas in either the UDP or the draft Sheffield Plan, they still meet the definition of "open space" in the NPPF, which describes "all open space of public value" which offers "important opportunities for sport and recreation and can act as a visual amenity". Paragraph 99 of the NPPF states that existing open space should not be built on unless:

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

Policy LR5 of the UDP sets out similar exceptional circumstances where development in Open Space Areas may be permitted, including where "it would harm open space which forms the setting for a listed building", but this policy has only moderate weight, as it frequently conflates open space amenity value with ecological and visual amenity, which are separate policy considerations in the NPPF. Furthermore, policy LR5 is only relevant to sites shown as Open Space Areas on the Proposals Map, so is not applicable in this case.

Policy CS47 of the Core Strategy further sets out local open space policy, including stating that development of open space will not be permitted where "(a) it would result in a quantitative shortage of either informal or formal open space in the local area". The NPPF does not refer to quantitative shortages and allows open space to

be developed where the loss is replaced by equivalent or better provision, so this part of the policy has limited weight. Nonetheless, the discussion of quantitative shortages has a diametric relation to paragraph 99(a) of the NPPF, which allows for assessments of where open space is “surplus to requirements” (which is broadly equivalent to a quantitative oversupply). As such, an appropriate starting point for considering the acceptability of the loss of open space is to analyse the existing quantity of open space in the local area. Given that the existing grassed areas are informal open space rather than formal sports or play facilities, this assessment can focus on informal open space only.

The Strategic Planning team has undertaken an assessment of existing open space within a 400-metre radius of the existing grassed areas proposed for car parking. The Core Strategy defines this radius as the “local area” and sets out a target for at least 2.7 hectares of informal open space per 1000 people. The open space assessment identifies that the existing population in this area is 3662 people, and that there are 10.34 hectares of allocated informal open space. This amounts to 2.82 hectares per 1000 people, therefore representing a surplus compared to the target. The allocated open spaces within the radius include South Street Park, Sky Edge Playing Fields and Park Square.

These figures do not include any of the existing publicly accessible green spaces within the Park Hill estate, which are estimated to amount to approximately 0.47 hectares. This accounts for the existing plateaus within the application site as well as other grassed areas around Phase 1 but excluding the amenity areas in Phases 2 and 3 which are mainly for residents’ use only and excluding grassed areas in Phases 4 and 5 which are currently inaccessible to the public. When adding the existing amenity areas in Park Hill to the allocated open spaces in the buffer area, there is a total of around 10.81 hectares of informal open space, representing 2.95 hectares per 1000 people.

When looking at the impact of the proposed development (as originally submitted), it can be seen that the loss of the two grassed plateaus for car parking would result in a reduction of 0.17 hectares of informal open space, but the restored access to the green space to the south of the garage block would add a further 0.12 hectares, representing a net loss of 0.05 hectares. The average household size in England and Wales is 2.4 residents according to Census 2021 data, so the population increase from this development of 125 dwellings is estimated at 300. This is a relatively high estimate, given that the proposal is for flats rather than houses, and with Sheffield known to have a higher-than-average proportion of one-person households. Based on this high population estimate, the impact of the development, as originally proposed, would be to reduce the ratio to 2.71 hectares of informal open space per 1000 population. This would still marginally exceed the Core Strategy target, meaning that despite a net loss of public open space, the initial proposal was still in accordance with paragraph 99(a) of the NPPF and policy CS47(a) of the Core Strategy.

Whilst the initial proposal did not raise a significant quantitative concern, the high volume of objections to the proposal demonstrates that the existing green plateaus are highly valued by residents. Policy CS47(c) does not permit development of open space where “people in the local area would be denied easy or safe access to a local

park or to smaller informal open space that is valued or well used by people living or working in the local area". Paragraph 98 of the NPPF identifies the importance of open space for "the health and well-being of communities", as well as its "wider benefits for nature". Additionally, as discussed above, it was felt that the quantity of car parking in the original proposal would cause harm to the setting of the listed building, and as discussed below, the Council's transport priorities include aims to transition to more sustainable methods of travel, discouraging private car use. For these reasons, officers felt that, despite the loss of open space being permissible in quantitative terms, the amount of car parking should be reduced in favour of further green space retention, if demonstrated to be acceptable from a highway safety perspective.

With the Highways Officer's agreement, the application has now been amended to omit the car parking on the lower (northern) plateau, so that this would remain as open space. The southern plateau is still proposed for car parking, but with the proposal restoring access to the grassed area south of the garage block, the amended scheme would now result in a net increase of 0.04 hectares in open space, and a ratio of 2.74 hectares per 1000 population. Accordingly, the amended proposal meets both exception (a) and exception (b) as set out in paragraph 99 of the NPPF. Whilst the amended proposal would eradicate one of the much-valued green space areas, local people would still have access to the other plateau and a larger amenity space in the Phase 4 courtyard. When balanced with a proportionate approach to car parking (as discussed below), the loss of one of the two green plateaus is considered to be acceptable.

It should also be noted that, in the originally approved masterplan for the wider outline permission for Park Hill, a multi-storey car park was proposed on the land between Phases 1 and 4. The previous full planning permission for Phase 4, whilst abandoning the multi-storey car park, still included 76 parking spaces, concentrated on the lower plateau and Pat Midgley lane, so this amended proposal (with 65 spaces) represents a reduction. In this context, it can be seen that the loss of green space has been minimised compared to previous consents.

Highway Safety, Parking and Accessibility

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. Paragraph 112 states that development should give priority first to pedestrian and cycle movements, and that development should minimise the scope for conflicts between pedestrians, cyclists and vehicles, as well as allowing for the efficient delivery of goods and access by service and emergency vehicles.

The Council's transport priorities are set out in policy CS51 of the Core Strategy as follows:

- a) promoting choice by developing alternatives to the car
- b) maximising accessibility
- c) containing congestion levels

- d) improving air quality
- e) improving road safety
- f) supporting economic objectives through demand management measures and sustainable travel initiatives.

Policy CS53 of the Core Strategy requires travel demand to be managed to meet the needs of different areas of the city, including promoting public and active transport, implementing Travel Plans, and applying parking standards. Policy BE9 of the UDP requires developments to provide a safe, efficient and environmentally acceptable site layout, including a clear definition of vehicle access and exit, adequate manoeuvring and parking space (including for service and emergency vehicles and for people with disabilities) and adequate safeguards from traffic fumes, noise or risk of accident. These policies are afforded moderate weight, as paragraph 105 of the NPPF goes further in seeking to actively limit travel demand.

Policy H14(d) states that developments in Housing Areas must provide safe access to the highway network and appropriate off-street parking, and not endanger pedestrians. Policy CS54 seeks to improve the pedestrian environment, and policy CS55 seeks improvements to the cycle network. Policy BE10 sets out design requirements for streets, pedestrian routes, cycleways and public spaces, including maximising safety, reducing the effects of traffic, and minimising the conflict between pedestrians, cyclists and motorised traffic. These policies all have significant weight based on their degree of conformity with the NPPF.

Policy T28 of the UDP states that new development which would generate high levels of travel will be permitted only where it could be served adequately by existing or additional/extended public transport and by the existing highway network, and development will be promoted where its location would reduce the need for car travel, being in conformity with the spirit of the NPPF. The UDP parking guidelines promoted in policy T21 have been superseded by parking guidelines in the Council's Highway Development and Adoptions information sheets. In the city centre, there should be up to one car parking space per dwelling, with no lower limit. Outside the city centre, there should be one space per one-bedroom dwelling and two spaces per dwelling of two or more bedrooms. There should be a minimum of one covered cycle parking space per dwelling.

Parking Provision

The proposal, as originally submitted, included parking spaces for 85 vehicles, including four disabled spaces. This represented a ratio of 0.69 parking spaces per dwelling. According to current policy maps, Park Hill falls outside of the city centre boundary, and so this represents a reduced parking provision compared to the normal parking standards outside the city centre. However, in the draft Sheffield Plan, Park Hill falls within the Central Area boundary, so there is also an argument that a low-parking development is appropriate in this location.

The site is a short walk from the Central Shopping Area and is well served by national rail services from Sheffield Midland Station, the Station tram stop, and bus stops on Duke Street, representing a sustainable site where car usage can be discouraged. Furthermore, despite the original Park Hill masterplan including a multi-

storey car park, the phases delivered to date have all been granted with reduced parking – there are around 192 spaces across Phases 1 and 2 (including pay-and-display parking), with an average ratio of approximately 0.42 spaces per dwelling, and Phase 3 is essentially car-free, with only disabled parking (though this is a student accommodation development and not directly comparable). Many objectors to the application have identified the well-connected nature of the site, highlighting that a development with limited or no car parking would be more aligned with aims to combat the effects of climate change.

On the other hand, it must also be noted that there was previously an intention to implement a permit zone in the Park Hill area which would introduce residents' permits and pay-and-display charges on the surrounding streets, designed to limit the impact of on-street commuter parking. Should the permit scheme have been introduced, it would have been more straightforward to designate new developments as 'car-free', whereby those residents would not be eligible for parking permits. The Transport, Regeneration and Climate Policy Committee has recently voted not to implement the permit scheme, following local objections. As such, with on-street parking now remaining free of charge, there is a chance that, should sufficient parking not be provided within the curtilage of the development, residents may be more likely to have private vehicles parked on surrounding roads, thereby adding to congestion. A proportionate and evidence-based approach to parking is required, balancing the sustainable location of the site with the need to avoid harmful on-street parking intensification.

The Transport Statement submitted with the planning application did not provide a robust explanation for the quantum of car parking proposed. Parking and traffic surveys dated back to 2017, at which point only Phase 1 had been completed. Furthermore, based on the 2017 survey of Phase 1 residents, a target transport modal split is identified for the development, comprising only 18% vehicle driver trips, with a further 2% being vehicle passenger trips. The remaining 80% of trips are expected to be via active travel or public transport, indicating that there could be potential to further reduce the parking provision. It was felt by the case officer and Highways Officer that an up-to-date survey of residents in Phases 1 and 2 (excluding the student accommodation in Phase 3) was needed to establish current levels of car ownership and usage, as well as patterns of on-street and off-street car parking. This would help to inform the likely parking demand generated by Phase 4.

The applicant undertook an online survey running from 3 August to 25 August 2023, with all Phase 1 and 2 residents and commercial occupiers being hand-delivered details of the survey. 80 residents and 9 business owners responded. 41% of respondents stated that their household did not have any vehicles, with 59% having one or more vehicles. Of those that did own a vehicle, 74% stated that they primarily parked their vehicle in the Park Hill car parks, with the remainder using surrounding streets or other locations. A majority stated that guests would visit them by car. When asked for their opinions about parking provision for the completed phases, 19% of respondents felt that there was too much parking, 45% felt that there was enough parking, 29% felt that there was not enough parking, and the remainder were unsure. When asked whether they felt current levels of parking would be sufficient to accommodate the future residents and businesses of the remaining phases of Park Hill, 38% answered 'Yes', 49% answered 'No', and the remainder were unsure.

Following the survey, the application was amended to omit the parking area on the northern grassed plateau between Phases 1 and 4, reducing the total provision for Phase 4 to 65 spaces, spread across the southern plateau, the existing area to the north of the garage block, and a small parking area serving the townhouses at the southern flank. This reduces the ratio to 0.52 parking spaces per dwelling and is considered to represent an appropriate balance between supporting sustainable transport and also preventing on-street parking intensification. Based on the newer evidence collected in the residents' survey, the Highways Officer is satisfied with the further reduced parking provision. The removal of parking from the lower plateau also allows for greater green space retention, being beneficial for residential amenity, the impact on the setting of the listed building, and ecological value.

Many objectors to the application have expressed that any parking should be for residents only, with no further pay-and-display provision. The residents' survey revealed that 37% of respondents felt there should be no pay-and-display provision within Park Hill, 52% felt that there should be some pay-and-display areas, and only 11% felt that all areas should be pay-and-display. Officers consider that, in order to minimise residents parking on the street given the reduced parking levels, all new Phase 4 car parks should be reserved for residents' use only. The revised Design & Access Statement confirms that the car parks will be managed for residents' use only. A Parking Management Plan can be secured through condition, in order to ensure that there is an effective residents' permitting system in place for the off-street car parks.

A revised Travel Plan is required, setting out measures to encourage sustainable methods of transport, which is necessary given the low levels of parking on the estate. Whilst a Travel Plan has been submitted with the application and subsequently amended to reflect the reduced parking provision, it still does not reflect all sustainable transport initiatives as set out below and will require further updating and monitoring. The Highways Officer also considers that whilst the aims and objectives of the Travel Plan are reasonable, there is little detail on specific targets and measures to achieve those targets. A more detailed Travel Plan can be secured through condition.

Electric Vehicles and Car Clubs

Electric vehicle charging infrastructure is a key element in facilitating the transition to low-carbon transport, and objectors have identified that no charging points for electric vehicles are shown on the site plan. Current adopted planning policies and parking standards do not explicitly request electric vehicle charging, but the Parking Guidelines in the draft Sheffield Plan request charging points to be installed in 10% of parking spaces for residential developments with shared parking provision, as well as the necessary infrastructure to enable the future installation of charging points to 40% of parking spaces. The amended Travel Plan states that six charging points would be installed, amounting to just under 10% of spaces, which is considered to be positive given that the draft Sheffield Plan has only limited weight. Details of these charging points, as well as cable routes for future charging points, can be secured through condition.

Car clubs are short-term car rental services that give members access to cars parked in convenient locations, so that they can access a vehicle for occasional use without needing to own a private car. Several objections have requested increased car club provision, and this is recognised as an important element in discouraging private car use. The Travel Plan refers to a car club space on South Street, which will be promoted through the measures set out in the Travel Plan. However, given the low parking levels in the Park Hill estate, it is considered that the estate would benefit from more than one car club space, and it is reasonable to secure an additional space within the Phase 4 car park through condition.

Cycle Infrastructure

As originally proposed, the scheme included secure cycle parking for 38 bicycles, including a cargo-sized space, adjacent to the commercial unit in the northern flank of Phase 4. The remainder of the cycle parking provision was proposed to be within individual demises: either in the generously proportioned townhouse entrance areas, under the stairs in ‘+’ flat types with larger entrance halls, in the entrance halls of ‘below street’ flat types, or on the larger balconies at entrance level in certain ‘above street’ flat types. The dedicated cycle store was intended to cater primarily for those residents whose flat type lacks sufficient space for bicycle storage.

Several objections have raised concerns about the lack of existing cycle parking at Park Hill, and the inadequacy of cycle parking within the flats rather than in dedicated stores. Officers have also requested an increase in dedicated cycle parking as part of the overall sustainable transport strategy. The amended plans show an additional cycle store adjoining the substation adjacent to Duke Street, with capacity for 15 additional bicycles. An additional 12 bicycle stands (24 spaces) are also proposed within the landscape, of which 5 stands (10 spaces) would be covered.

Cycle parking within individual flats still forms a major element of the cycle strategy, but the additional spaces do improve upon the original proposal. Further details of cycle parking can be secured through condition, including details of the dedicated cycle stores as well as further plans and diagrams of how bicycles could be effectively stored in the entranceways to the dwellings. The condition will enable the Local Planning Authority to ensure that this approach properly secures the equivalent of at least one cycle parking space per dwelling, or that additional dedicated cycle stores are integrated into the landscape should the cycle parking within flats be found to be inadequate.

Objectors to the application, including local cycling and sustainable transport groups, have suggested that enhancements to the cycle network in the local area should be secured through the Phase 4 development, including improvements to access routes, new crossings, and financial contributions to local active travel schemes. Whilst such enhancements may be desirable, it would not be reasonable to insist upon the delivery of cycle infrastructure improvements outside the site boundary, as these proposals are not reasonably related to the proposed development or its impacts, thereby failing to meet the tests for conditions or legal agreements set out in the NPPF. The proposal would not result in any worsening of the local cycle network and is acceptable on that basis.

Public Transport

As discussed above, the site is in a sustainable location with excellent public transport links. As part of the strategy to encourage the use of sustainable transport modes, the developer has agreed to fund the installation of a pole-mounted LED display of live bus times adjacent to the existing bus stop on Duke Street, secured through a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended). This has been agreed with South Yorkshire Mayoral Combined Authority (SYMCA), who have highlighted that convenience is a key element in people's travel choices, and that easy access to live departure times will make public transport more attractive. SYMCA originally requested a new bus shelter and seating, but have agreed that the live times display can be more easily delivered (the shelter would require developing into the grassed area adjacent to the pavement on Duke Street, and could threaten the mature street trees) and would still go some way to improving the quality of bus facilities in the area.

Additionally, SYMCA have requested that the developer install a passenger information display in a prominent location, such as the lobby area. This would involve the installation of a web-enabled screen, with SYMCA providing a link to a customised web page displaying bus and tram times. This can be secured through condition and can further promote the use of public transport. These interventions should also be referred to in the detailed Travel Plan, to be similarly secured through condition.

Traffic, Layout and Safety

The submitted Transport Statement estimates that, based on the expected transport modal split, the proposal will generate 15 vehicle trips during the morning peak hour and 17 vehicle trips during the evening peak. This level of traffic, equivalent to less than one vehicle every three minutes, is unlikely to be discernible compared with day-to-day fluctuations in traffic. The proposal (as amended) does not include any new vehicular accesses, simply utilising the existing accesses from South Street and Pat Midgley Lane, and from Rhodes Street.

Several residents have expressed concerns about having the main parking area accessed from South Street and Pat Midgley Lane, which are low-traffic tarmacked streets with no pavements and no separate delineation between the areas to be used by different road users, essentially operating as a 'shared surface'. Objectors are worried that further vehicle movements on this route could threaten pedestrian and cyclist safety. The Highways Officer also asked for further justification to demonstrate that the increase in vehicular movements would not give rise to a greater potential for conflict between road users.

The applicant's transport consultant has referred to the Department for Transport's Manual for Streets, which notes research demonstrating that people will treat a street as a space to be occupied and not a road to be crossed when traffic flows are not more than about 100 vehicles per hour. The transport consultant states that the additional vehicle trips are unlikely to push traffic levels on South Street above this level. This, together with the existing irregular kerb lines and feature lighting,

sufficiently indicates to drivers that they are travelling through a shared space and must drive slowly. There are already 22 parking spaces on Pat Midgley Lane, so the proposal (as amended) would only introduce 38 additional spaces accessed via this route. The residential parking spaces would have a less frequent parking turnover than the previously consented art gallery scheme, as residents would be expected to park for longer periods than gallery visitors. Therefore, whilst the number of parking spaces accessed via this route would be greater, the frequency of vehicle movements is unlikely to be significantly higher, so there would be little threat to pedestrian or cycle safety.

The Highways Officer has accepted this justification and is satisfied that the car park accessed from South Street and Pat Midgley Lane will not cause any highway safety issues. It is also acknowledged that there are benefits to locating the main car park on the southern plateau rather than the northern plateau, as the spaces would be closer to the Phase 4 entrance, being better suited to disabled parking. Furthermore, positioning the parking closer to Phase 4 allows for the lower plateau to act as a green buffer between the Phase 1 and Phase 4 car parks, breaking up the visual impact of parked cars and mitigating the impact on the setting of the listed building.

In terms of servicing strategies, fire access and refuse collection would be via Duke Street. Two new servicing bays are proposed on Duke Street, in close proximity to the main refuse stores adjacent to the commercial units in the northern flank and at the corner nearest to the junction between Duke Street and Rhodes Street. These can be secured through a Grampian condition, whereby no development can commence until arrangements have been entered into which will secure the alterations to the public highway.

Accessibility

The proposal sets out acceptable arrangements for level access to all main entrances and around the landscaped areas. Further details of level thresholds, handrails and tactile paving can be secured through condition as part of the hard landscaping scheme. Due to the original layout of the Park Hill flats, which are either maisonettes or accessed via a staircase from the 'street' level, it is not possible to achieve accessible and adaptable standards to individual dwellings without compromising the special character of the listed building.

Ecology, Trees and Landscaping

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, including by protecting and enhancing sites of biodiversity, recognising the economic and other benefits of trees and woodland, and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks.

Policy GE10 of the UDP provides for the protection and enhancement of a network of green corridors and green links. Policy GE11 states that the natural environment will be protected and enhanced, and that the design, siting and landscaping of development should respect and promote nature conservation. Policy CS73 states

that a Strategic Green Network will be maintained and where possible enhanced. Policies GE11 and CS73 have moderate weight, as whilst the strategic aims for nature conservation and ecology are aligned with the NPPF, there is less of a focus on biodiversity net gain and specific measures to enhance biodiversity.

Policy BE6 of the UDP promotes good quality landscape design, with applications expected to support nature conservation and native species. Policy GE15 states that trees and woodlands will be protected by planting, managing and establishing trees and woodland, requiring developers to retain mature trees and hedgerows, and not permitting development which would damage existing mature and ancient woodlands. As discussed in the 'Design and Conservation' section of this report above, the proposed landscaping strategy is considered to be acceptable. Further details of the landscaping scheme, including planting specifications and wildlife-sensitive lighting details, can be secured through condition.

Surveys of trees within the site and along Duke Street were provided with the application, but these surveys did not include details of the trees surrounding the areas proposed for car parking, which would likely be affected by the car parking proposals. Following the amendment of the application to omit the parking on the lower grassed plateau, the tree survey was updated to include the groups surrounding the plateaus. The survey identified 58 individual trees and two tree groups. None are currently covered by Tree Protection Orders.

The proposal includes the removal of six individual trees, of which five are category C (low or average quality and value) and one is category B (good quality and value). Two of the category C trees are assessed to be of low amenity value, and the other three are showing signs of fungal disease which limits their expected longevity. The category B tree is a beech tree on Duke Street, to be removed to improve access to the building. It is felt that its loss can be adequately compensated for through the landscaping scheme. Partial removal of a category C silver birch group is required to deliver the car parking on the southern plateau, but these removals are not expected to significantly impact upon the group's overall health, amenity and screening value. Details of replacement tree planting, as well as protection measures for the existing trees (including fencing and no-dig construction methods for hard surfacing), can be secured through condition.

A Preliminary Ecological Appraisal has been carried out and provides sufficient detail on the habitats and species found within the site. Following further bat activity surveys, the Biodiversity Officer is satisfied that no protected species form a constraint to the development. Feral pigeons roosting in the upper floors of the derelict block must be removed humanely, and this can be communicated to the developer through a directive on the decision notice.

A Biodiversity Net Gain Assessment was submitted with the application, identifying a baseline value of 13.54 habitat units (comprising amenity grassland, plantation woodland and scattered trees) and 0.15 hedgerow units. The proposed landscaping scheme, including new tree and shrub planting, was calculated to deliver a post-development score of 14.99 habitat units and 0.31 hedgerow units, representing net gains of 10.68% and 108.24% respectively, with biodiversity trading rules satisfied.

The Biodiversity Net Gain Assessment was resubmitted when the proposal was amended to omit the parking on the lower grassed plateau. As there were no longer any interventions proposed to the lower plateau, the amended Assessment was constrained to cover only the land which would be newly landscaped and surfaced. The amended Assessment, covering a smaller site area, identified a baseline value of 6.98 habitat units and no hedgerow units. The post-development score was calculated at 7.92 habitat units and 0.14 hedgerow units, delivering a 13.49% net gain in habitat units, with the introduced hedgerows being immeasurable due to the lack of existing hedgerows in the assessed area. Proportionally, this represents an improved score, and is supported by the Biodiversity Officer. The net gain set out in the Assessment can be secured through condition. Habitat boxes to support nesting bats and birds, including swift bricks, can also be secured through condition to deliver further enhancement.

Flood Risk and Drainage

Policy CS67 of the Core Strategy sets out the Council's flood risk management policies, including limiting surface water run-off and promoting sustainable drainage. This policy is considered to be broadly in conformity with the NPPF, although the NPPF also sets out requirements for sequential and exception tests to direct developments to areas of lower flood risk.

The application site is located in Flood Zone 1, being at low risk of flooding. Nonetheless, as the site is over 1 hectare in overall area, a Flood Risk Assessment (FRA) is required. An FRA has been submitted, identifying low risks of flooding from all sources. Only the new parking areas would have an impact on the impermeable areas of the site. The amended landscape plan shows that permeable surfacing would be used for the parking spaces and that rain gardens and swales would be utilised to reduce surface water run-off. Full details of the sustainable drainage (SuDS) strategy can be secured through condition. It is understood that the existing site drains into public sewers in Pat Midgley Lane and Duke Street, but the drainage strategy must demonstrate how SuDS principles would be utilised to limit the discharge rate.

Pollution and Land Contamination

Paragraph 174(e) of the NPPF requires planning decisions to prevent development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Policy GE22 of the UDP states that development should be sited so as to prevent or minimise the effect of any pollution on neighbouring land uses or the quality of the environment and people's appreciation of it.

In relation to air pollution, policy GE23 states that development will be permitted only where it would not locate sensitive uses where they would be adversely affected by sources of air pollution. Policy CS66 of the Core Strategy states that actions to protect air quality will be taken in all areas of the city. In particular, further action will be taken where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

The development is along a B-road east of the city centre and near a major roundabout at Park Square. The nearest existing air quality monitoring location is 178 metres to the north of the site at the junction between Duke Street and the Park Square roundabout. At this location, annual concentrations of nitrogen dioxide were found to be 44µg/m³ in 2022, being 10% above the objective of 40µg/m³. An Air Quality Assessment is required to allow for a full understanding of exposure levels and any additional impact of traffic introduced by the development, so as to determine any necessary mitigation measures to locally reduce the impact on new and existing Park Hill residents. However, it should be noted that the amended proposal includes fewer parking spaces than the previous consent for Phase 4 (which had 76 spaces), and that pollutant concentrations are likely to be lower at the application site than at the monitoring location adjacent to Park Square. For these reasons, the Air Quality Assessment can be left to a pre-commencement condition in this case, as it is not likely that the proposal would have an air quality impact of such severity that it could not be mitigated.

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

The Environmental Protection Officer considers that, as the site has been subject to former development, there is potential for made ground to be present, and highlights that previous site investigations within other areas of Park Hill have identified contaminants requiring remedial works. In order to ensure that the site is fully investigated and, where necessary, remediated, ground investigation reports must be undertaken. These can be secured through condition.

Energy and Sustainability

Policy CS63 of the Core Strategy sets out the Council's responses to climate change, including (d) designing developments to increase energy efficiency and reduce energy consumption and carbon emissions, and (e) promoting developments that generate renewable energy. Policy CS64 requires new buildings to be designed to reduce emissions and function in a changing climate, and to use resources sustainably, including re-using existing buildings wherever possible.

Policy CS65 requires all significant developments to (a) provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy and (b) reduce the development's overall predicted carbon dioxide emissions by 20%. However, the Climate Change and Design SPD assesses this requirement to be unviable in the wake of changes to Part L of the Building Regulations, and so only requirement (a) of policy CS65 applies.

A brief Energy Statement was submitted within the Design & Access Statement for this application, setting out aims to achieve an enhanced building fabric specification, with central demand-controlled ventilation systems to reduce heat losses and energy demand. A new insulated internal leaf to the existing brickwork is proposed in order to improve thermal performance. However, the Energy Statement does not set out a

calculation of predicted energy needs, nor a detailed strategy for how the thermal performance measures would save the equivalent of 10% of baseline energy needs, or any commitment to renewable or decentralised energy. As such, a more detailed strategy for carbon reduction must be secured through a pre-commencement condition, which will ensure that the Local Planning Authority is satisfied that the requirements of policy CS65(a) have been met before works begin.

Archaeology

Policy BE22 of the UDP states that sites of archaeological interest will be preserved, protected and enhanced. Development will not normally be allowed which would damage or destroy significant archaeological sites. Where disturbance of an archaeological site is unavoidable, the development will be permitted only if an adequate archaeological record of the site is made.

An Archaeological Desk-Based Assessment was submitted with the application, being the same report that was submitted for the previous Phase 4 proposal in 2019. Whilst that development included a new-build art gallery, this proposal does not include any new buildings requiring substantial groundworks. South Yorkshire Archaeology Service have concluded that there are no archaeological constraints to development. No investigation is required.

Employment and Skills

An Inclusive Employment and Development Plan (IEDP) can be secured through condition. The IEDP would ensure that opportunities to train and provide employment for local people are capitalised upon during the construction process, and during the operational phase in relation to the commercial units. This would be developed in collaboration with Talent Sheffield (a Council initiative delivered through the Invest Sheffield and Opportunity Sheffield teams, to ensure that investors and developers in the city receive the support required to deliver benefits to Sheffield people). This condition would improve the scheme's social sustainability and economic sustainability, in accordance with paragraph 8 of the NPPF.

Community Infrastructure

In terms of infrastructure needs arising from the development, as discussed above, any necessary works within the highway can be secured through condition, and sufficient public open space to meet the needs of the community is secured within the site layout.

The Council's Education Commissioning Team has provided comments, highlighting that, based on the number of proposed dwellings with two or more bedrooms, the development will generate an estimated demand for 21 primary school places and 15 secondary school places. There is existing pressure on local schools, and no spare capacity to accommodate additional secondary pupils, in particular, yielded by this development. However, the CIL and Planning Obligations SPD sets out a minimum threshold of 500 homes for which the Local Planning Authority can seek a planning contribution for primary school expansions, and 1000 homes for secondary school contributions. As such, education funding associated with smaller

developments is expected to be through the Community Infrastructure Levy (CIL). Similarly, any health infrastructure such as GP surgery expansions will be funded through CIL unless the development exceeds 1000 homes.

The application site is located in CIL Zone 4, where residential development is charged a CIL rate of £50 per square metre of new floorspace, plus indexation since the introduction of the CIL in 2015. CIL payments assist in funding essential infrastructure resulting from development growth in the city, and all residential developments are liable, unless granted relief by the Local Planning Authority through a post-consent application process (such as Discretionary Exceptional Circumstances Relief).

SUMMARY AND RECOMMENDATION

These applications seek planning permission and listed building consent for refurbishment and alterations to the Duke Street block at Park Hill (Phase 4) to provide 125 apartments and two commercial units, together with landscaping and car parking. As Sheffield is unable to demonstrate a five-year housing supply at present, the tilted balance in favour of housing proposals is engaged, as set out in paragraph 11(d) of the NPPF. Planning permission must be granted unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Part (i) is considered to be relevant in this case, as the proposal affects a Grade II* listed building. However, the proposal is considered to enhance the listed building and its setting, with any less than substantial harm to its original character being outweighed by the substantial regeneration and housing delivery benefits of the scheme.

For part (ii) of paragraph 11(d), an assessment of the proposal against “the Framework taken as a whole” must be undertaken. The presumption in favour of sustainable development can be seen as the golden thread running through the NPPF, comprised of the economic, social and environmental objectives as set out in paragraph 8. In terms of the economic objective, there would be benefits in terms of employment opportunities during the construction phase and through the creation of new commercial units, as well as bringing new residents into Park Hill and the wider city centre to support its regeneration.

In assessing social sustainability, the main benefit of the proposal would be the contribution to the city’s housing supply, which is given significant weight through the tilted balance. The proposed 125 dwellings would represent a substantial contribution to the city’s housing stock and are considered to be of a high quality in terms of indoor and outdoor space, as well as achieving a positive mix of unit types.

Turning lastly to environmental sustainability, the proposal would bring substantial benefits in rejuvenating a derelict section of the listed building, achieving a

biodiversity net gain through new landscaping, and delivering substantial housing growth in a sustainable location with reduced reliance upon the private car. Public transport usage would be further encouraged through the delivery of a live bus times display on Duke Street, funded through a section 106 legal agreement.

In summary, the amended proposal represents sustainable development overall, and it is therefore recommended that planning permission and listed building consent be granted, subject to suitable conditions and the signing of the section 106 agreement, for which the heads of terms are set out below:

Heads of Terms

- The payment of £10,100.14 (index-linked) for the supply and installation of a pole-mounted real time passenger information display for bus stop 37023081 (Duke Street / Weigh Lane)

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Case Number	23/01961/LBC (Formerly PP-12222286)
Application Type	Listed Building Consent Application
Proposal	Refurbishment and alterations to the Duke Street block for a mixed-use development comprising 125 residential apartments, two commercial units (Use Class E) with landscaping, car parking and other associated works (AMENDED PROPOSAL)
Location	Park Hill Estate Duke Street Park Hill Sheffield S2 5RQ
Date Received	19/06/2023
Team	City Centre and Major Projects
Applicant/Agent	Mr Andrew Johnston
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 Planning (Listed Buildings and Conservation Areas) Regulations 1990.

Approved/Refused Plan(s)

2. The development hereby permitted shall be carried out in complete accordance with the following plans, except as may be specified in the conditions attached to this consent, which shall in all cases take precedence.
 - Landscape General Arrangement - 122018-ASL-00-ZZ-DR-L-0900 - Revision P9 - amended and published 20/10/2023
 - Unfolded Elevations - 278 (00) 200 - Revision P05 - amended and published 03/10/2023
 - Flank R - Balcony Elevation - 278 (00) 201 - Revision P05 - amended and

published 03/10/2023

- Flank S - Balcony & Street Elevations - 278 (00) 203 - Revision P05 - amended and published 03/10/2023
- Flank R - Street Elevation - 278 (00) 202 - Revision P04 - amended 27/09/2023, published 29/09/2023
- Flank T - Balcony Elevation - 278 (00) 204 - Revision P04 - amended 27/09/2023, published 29/09/2023
- Flank T - Street Elevation - 278 (00) 205 - Revision P04 - amended 27/09/2023, published 29/09/2023
- Proposed Location Plan - 278 (00) 001 - Revision P04 - amended 27/09/2023, published 29/09/2023
- Proposed Site Plan 1/2 - 278 (00) 002 - Revision P04 - amended 27/09/2023, published 29/09/2023
- Proposed Site Plan 2/2 - 278 (00) 003 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 4th Floor - Cellar Plan - 278 (00) 101 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 5th Floor - Lower Ground Plan - 278 (00) 102 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 6th Floor - Lower Hague Street Plan - 278 (00) 103 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 7th Floor - Above Street / Upper Hague Street Plan - 278 (00) 104 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 8th Floor - Below / Above Street Plan - 278 (00) 105 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 9th Floor - Long Henry Street Plan - 278 (00) 106 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 10th Floor - Above Street Plan - 278 (00) 107 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 11th Floor - Below Street Plan - 278 (00) 108 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 12th Floor - Norwich Street Plan - 278 (00) 109 - Revision P04 - amended 27/09/2023, published 29/09/2023
- 13th Floor - Above Street Plan - 278 (00) 110 - Revision P04 - amended 27/09/2023, published 29/09/2023
- Roof Plan - 278 (00) 111 - Revision P04 - amended 27/09/2023, published 29/09/2023
- Flat Type A - Below Street - 278 (00) 400 - Revision P01 - amended 27/09/2023, published 29/09/2023
- Flat Type B - Below Street - 278 (00) 401 - Revision P01 - amended 27/09/2023, published 29/09/2023
- Flat Type C - Above Street - 278 (00) 402 - Revision P01 - amended 27/09/2023, published 29/09/2023
- Flat Type C+ - Above Street - 278 (00) 403 - Revision P01 - amended 27/09/2023, published 29/09/2023
- Flat Type D - Above Street - 278 (00) 404 - Revision P01 - amended 27/09/2023, published 29/09/2023
- Flat Type D+ - Above Street - 278 (00) 405 - Revision P01 - amended 27/09/2023, published 29/09/2023
- Flat Type E - Above Street - 278 (00) 406 - Revision P01 - amended

27/09/2023, published 29/09/2023
- Flat Type E+ - Above Street - 278 (00) 407 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type F - Above Street - 278 (00) 408 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type F+ - Above Street - 278 (00) 409 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type G - Below Street - 278 (00) 410 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type G+ - Below Street - 278 (00) 411 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type H - Below Street - 278 (00) 412 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type H2 - Below Street - 278 (00) 413 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type I - Below Street - 278 (00) 414 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type J - Above Street - 278 (00) 415 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type J+ - Above Street - 278 (00) 416 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type K - Above Street - 278 (00) 417 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type K+ - Above Street - 278 (00) 418 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type M2+ - Below Street - 278 (00) 419 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type P - Above Street - 278 (00) 420 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type Q - Above Street - 278 (00) 421 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type Q+ - Above Street - 278 (00) 422 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type T - Below Street - 278 (00) 423 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type U+ - Below Street - 278 (00) 424 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type V - Above Street - 278 (00) 425 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type W - Above Street - 278 (00) 426 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type X+ - Street Level - 278 (00) 427 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type Y - Above Street - 278 (00) 428 - Revision P01 - amended
27/09/2023, published 29/09/2023
- Flat Type Z - Above Street - 278 (00) 438 - Revision P02 - amended
27/09/2023, published 29/09/2023
- House Type TH1 - Townhouse - 278 (00) 429 - Revision P02 - amended
27/09/2023, published 29/09/2023
- House Type TH2 - Townhouse - 278 (00) 430 - Revision P02 - amended

27/09/2023, published 29/09/2023

- House Type TH3 - Townhouse - 278 (00) 431 - Revision P02 - amended 27/09/2023, published 29/09/2023

- House Type TH4 - Townhouse - 278 (00) 432 - Revision P02 - amended 27/09/2023, published 29/09/2023

- House Type TH5 - Townhouse - 278 (00) 433 - Revision P02 - amended 27/09/2023, published 29/09/2023

- House Type TH7 - Townhouse - 278 (00) 435 - Revision P02 - amended 27/09/2023, published 29/09/2023

Reason: In order to define the permission.

Pre-Commencement Condition(s)

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

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

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

4. Large scale details, including materials and finishes, at a minimum scale of 1:20, of the items listed below shall be submitted to and approved in writing by the Local Planning Authority before that part of the development commences:
 - Doors and door surrounds
 - Windows (including reveals)
 - Balconies and balustrades
 - Infill panels
 - Parapets, eaves and verges

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

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

5. Details, including samples, of the extent and specification of brick and concrete repair, cleaning and treatment shall be submitted to and approved by the Local Planning Authority prior to the commencement of those works and shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the fabric of the building is not damaged.

6. Before that part of the development commences, details of the mosaic feature walls and the flooring setts to be installed in the residential entrance lobbies shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the

approved details and retained thereafter.

Reason: In order to preserve and enhance the character of the listed building.

7. 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.

8. The design and location of all new internal and external light fittings shall be approved in writing by the Local Planning Authority before that part of the development commences. Thereafter the development shall be carried out in accordance with the approved details.

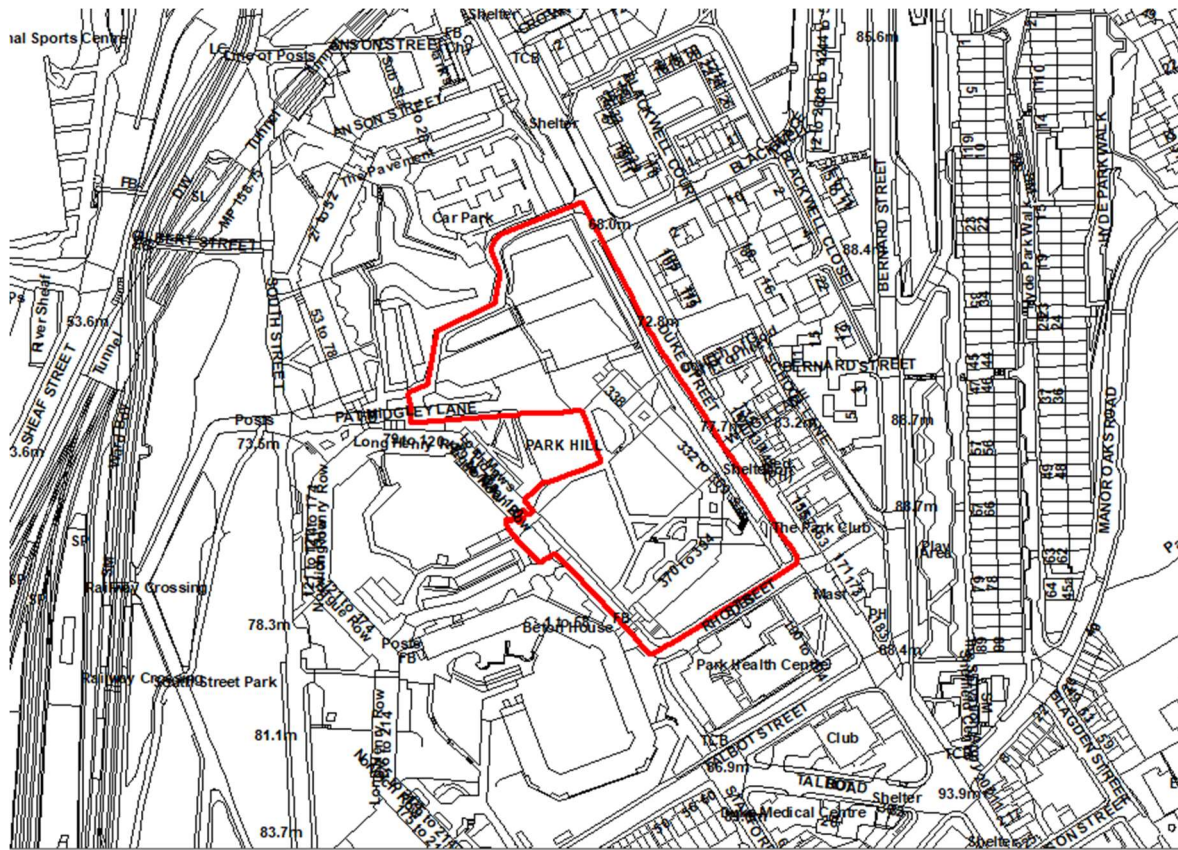
Reason: In order to protect the character of the original building.

Other Compliance Conditions

Attention is Drawn to the Following Directives:

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

Site Location



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For the report please see 23/01960/FUL

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Case Number	23/02687/FUL (Formerly PP-12392492)
Application Type	Full Planning Application
Proposal	Erection of a three/four-storey building to form 7x apartments with associated landscaping, car parking, bike storage and refuse storage
Location	Site Of 340 Lydgate Lane Sheffield S10 5FU
Date Received	21/08/2023
Team	North
Applicant/Agent	Peak Architects Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Planning Application Form (Scan Date 21.08.2023)

Location and Existing Site Plan 682-PKA-XX-ZZ-DR-A-PL01 REVP3 (Scan Date 21.08.2023)

Existing Site Plan 682-PKA-XX-ZZ-DR-A-PL02 REVP3 (Scan Date 21.08.2023)

Existing Site Sections 682-PKA-XX-ZZ-DR-A-PL02 REVP3 (Scan Date 21.08.2023)

Proposed Site Plan 682-PKA-XX-ZZ-DR-A-PL10 REVP4 (Scan Date 21.08.2023)

Proposed Site Sections 01 682-PKA-XX-ZZ-DR-A-PL11 REVP4 (Scan Date 21.08.2023)

Proposed Site Sections 01 682-PKA-XX-ZZ-DR-A-PL12 REVP4 (Scan Date 21.08.2023)

Proposed Building Elevations 682-PKA-XX-XX-DR-A-PL23 REVP5 (Scan Date 27.09.2023)

Proposed Floorplans 682-PKA-XX-XX-DR-A-PL23 REVP5 (Scan Date 27.09.2023)

Proposed Floorplans 682-PKA-XX-XX-DR-A-PL20 REVP5 (Scan Date 27.09.2023)

Reason: In order to define the permission.

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

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

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

4. No development shall take place, until details of a Preliminary Ecological Appraisal are submitted to and approved by the Local Planning Authority. Such survey shall establish an ecological base line value for the site which will inform a scheme for biodiversity enhancement, including but not limited to habitat boxes and enhanced planting, details of which shall be submitted to and agreed in writing with the Local Planning Authority.

Thereafter the approved details shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

The scheme for biodiversity enhancement shall include the following details:

- i. Description, design and/or specification of the type of feature(s) or measure(s) to be undertaken to include habitat boxes and landscaping
- ii. Materials and construction, to ensure long lifespan of the

features/measures;

- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken; and
- iv. A timeline for installation of the proposed features or measures.

Reason: In the interests of ecological enhancement.

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

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

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

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

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

- 7. Details of all boundaries to include the proposed stone wall to the front of the site, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

- 8. 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.

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

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

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

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

11. 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.

12. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:
 - a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
 - b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);

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

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

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

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

13. 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.

14. The development shall not be used unless the hard surfaced areas of the site for parking and access are constructed of permeable/porous surface and sub base. Thereafter the approved permeable/porous surfacing material shall be retained.

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

Other Compliance Conditions

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

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

16. The balcony window on the eastern elevation shall be fully glazed with

obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the window shall at any time be glazed with clear glass.

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

17. The car parking accommodation within the site, as indicated on the approved plans, shall be retained for the sole use of the occupiers of the development hereby approved.

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

18. The apartments shall not be used unless the cycle parking accommodation shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

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

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

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

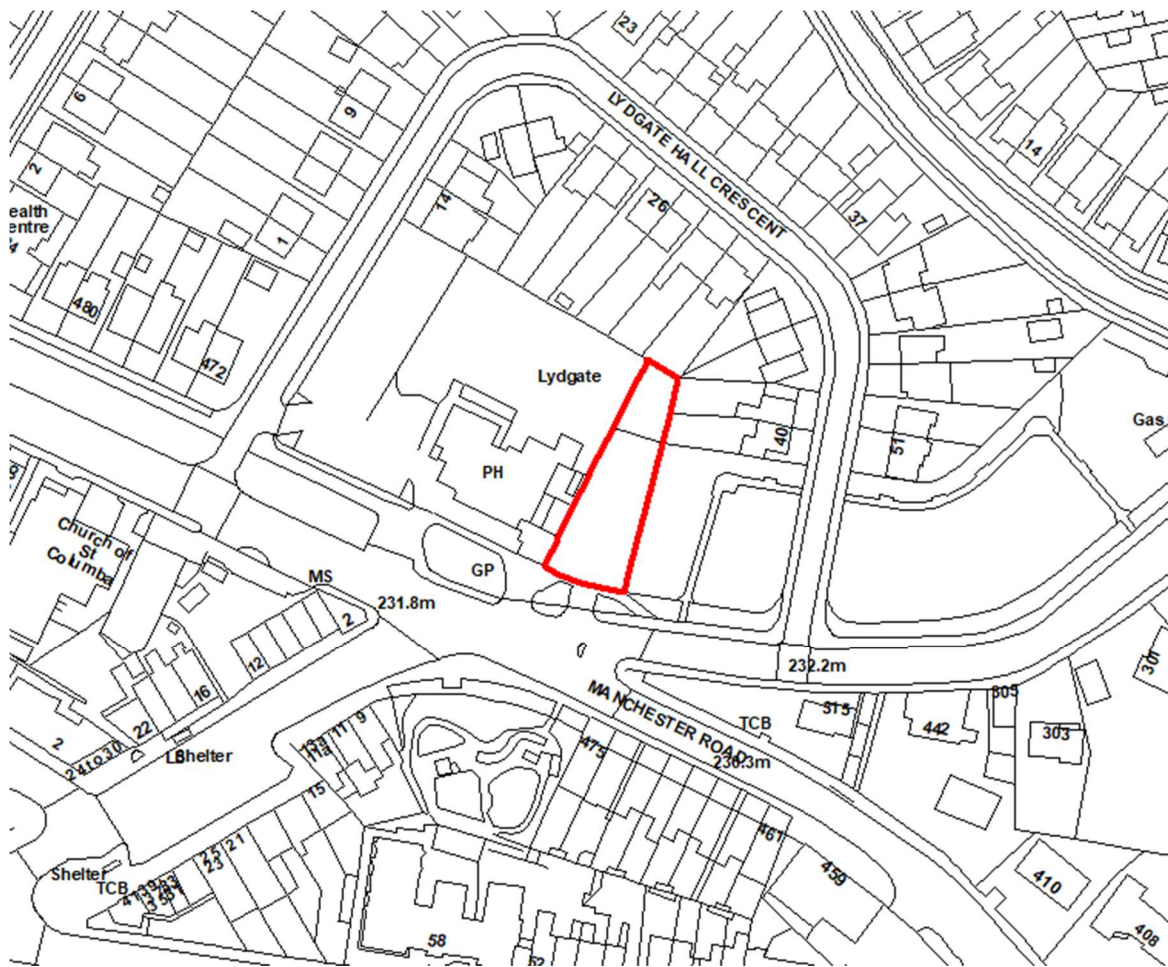
Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. Plant and equipment shall be designed to ensure that the total LA_r plant noise rating level (i.e. total plant noise LA_{eq} plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA₉₀ background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
3. The 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.

4. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority

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

Site Location



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SITE DESCRIPTION

The application relates to a cleared site that is fenced off ready for redevelopment. To one side is the Crosspool Tavern and to the other side are mature trees and a community garden (Lydgate Green). Wrapping around the site to the side and rear are the rear gardens of residential properties on Lydgate Hall Crescent. The residential properties on Lydgate Hall Crescent are sited at a higher land level to the development site. The site is set back from the highway with a deep grass verge and is at the junction where Lydgate Lane meets Manchester Road. It is noted that within the grass verge are mature trees.

The site has formerly been occupied by a stone fronted shop with a flat above and there was a previous planning approval (20/02148/FUL) for redevelopment with 5 apartments, arranged in a block running across the front of the site with car parking and amenity space to the rear. This permission is an extant planning permission until 24.11.2023. The planning application (21/00978/NMA) was for the non-material amendment of planning permission 20/02148/FUL.

PROPOSAL

The proposal is for the erection of a three/four-storey building to form 7x apartments with associated landscaping, car parking, bike storage and refuse storage. The development site is allocated as being within a Local Shopping Centre under the Unitary Development Plan.

The apartment block will be set back and separated from the street by a forecourt which provides 7 off street car parking spaces. A stone boundary wall and a planting bed will separate the forecourt from the street. The apartment block has a contemporary design and will be constructed of light stock brick and bronzed metal cladding. The apartment block will be 4 storeys high with the top floor contained within a metal clad mansard style roof. The apartments will benefit from private balconies and a communal amenity space to the rear. Bin storage will be provided between the forecourt and the apartment block and cycle storage will be provided within the rear garden. No alterations are proposed to the existing access.

RECENT RELEVANT PLANNING HISTORY

23/01668/PREAPP: Pre-application enquiry for erection of a four-storey building to form 8x apartments. ENQUIRY CLOSED.

21/00978/NMA: Application to allow changes to Block B frontage windows including removal of window wall recess feature, addition of projecting bay windows to Block B frontage, separation of Block B external access steps into each dwelling and minor adjustment of roof plan to facilitate Block B frontage window changes (amendment to planning permission 20/02148/FUL). APPLICATION GRANTED. DECISION ISSUED 30.03.2021.

20/02148/FUL: Erection of 5 apartments in 2 x 3 storey blocks, Block A with covered parking and Block B with undercroft parking. APPLICATION GRANTED. DECISION ISSUED 25.11.2020.

17/01905/COND2: Application to approve details relating to condition nos. 4) renewable energy contribution; 9) hard and soft landscaping scheme; 10) external materials and finishes; 11) cycle storage; 12) hard surfacing; 13) surface water run-off; and 17) large scale details; of planning permission no. 17/01905/FUL. CONDITIONS APPLICATION DECIDED. DECISION ISSUED 20.05.2020.

19/04195/FUL: Application under Section 73 to vary condition no. 2 (approved plans) and remove condition nos. 19 and 20 (Green roof) of planning permission no. 17/01905/FUL (Demolition of building and erection of 6no apartments). APPLICATION GRANTED. DECISION ISSUED 20.05.2020.

17/01905/COND1: Application to approve details in relation to condition number(s): 3 (Highway Improvements), 5 (Tree Protection), 6 (Ground and Finished Floor Levels) and 8 (Vehicular Cleaning) imposed by planning permission 17/01905/FUL. CONDITIONS APPLICATION DECIDED. DECISION ISSUED 17.04.2019.

17/01905/FUL: Demolition of existing building and erection of 6no apartments (Amended Plans Received 21st December 2017). APPLICATION GRANTED. DECISION ISSUED 18.01.2018.

LETTERS OF REPRESENTATION RECEIVED

1 Letter of objection received from Cllr Minesh Parekh raising concerns regarding the Sycamore tree (T1) sited adjacent to the road that it is potentially suffering from decay and a risk assessment has been requested from the Council. Such street trees define the character of the area and are important as they are highly visible site in the centre of Crosspool. Proposals should look to maintain tree-lined streets. Independent arboricultural advice about the status of the sycamore tree should be sought, and if it is healthy, request a TPO to protect its placement.

2 letters of support have been received raising the following points.

LAND USE

- The proposal will redevelop a site that has been derelict for a long time.
- The development site has been neglected and looks ugly. The proposed development will add to the diversity of housing available in the area.
- Crosspool needs to serve a whole range of ages for housing, and this creates some amazing opportunities for starter homes or people wanting to down size but stay in the area.

DESIGN

- The building being set back from the road and the frontage of the neighbouring pub will make for a less imposing street scene.
- The new development will look smart and increase the curb appeal to this neglected corner of Crosspool.

HIGHWAY

- The cycling provision provides as many bike spots as there are car spots.

23 Letters of objection have been received raising the following points.

HIGHWAYS

- The proposal will have insufficient on-site car parking provision to serve the apartment block, as only one space per apartment has been provided. The apartment block will consist of 6 two bedroomed apartments and 1 three bedroomed apartments. No allocated visitor car parking and any proposed visitor car parking will take place on the adjacent roads which experience existing car parking congestion and as such is likely to prevent the safe egress of cars and the emergency services on surrounding roads.
- The proposed development should have included 20 car parking spaces at least to ensure sufficient car parking provision is provided for the flats and any visitors, and within the car park it is likely to be difficult to manoeuvre from certain car parking spaces and leave the site in a forward-facing gear.
- The residents' cars attempting to turn right from the development and access Lydgate Lane to make a left-hand turn onto the A57 Manchester Road will cause an obstruction to Lydgate Lane blocking access for cars/cyclists from the A57 Manchester Road.
- Access to the car park will require crossing the adjacent pavement from a busy Manchester Road/ Lydgate Lane traffic junction. Multiple cars/cyclists make the turn from the A57 Manchester Road onto Lydgate Lane constantly. Residents' cars would have to brake sharply to make an immediate left turn after exiting the A57 Manchester Road onto Lydgate Lane.
- There appears to be very limited room for manoeuvre within the car park, and additional manoeuvring may well occur on the adjacent pavement.
- Lydgate Hall Crescent is already used by Tavern Service station for vehicles booked in for work.
- The increase in the use of the existing access which joins an extremely busy junction will impede pedestrian safety.
- The application submission includes no pedestrian or highways impact assessment which would assess the considerable risk to the safety of pedestrians and other road users through this development of the site.
- The area adjacent to the development is a busy and difficult to negotiate junction with cars approaching at speed along Manchester Road. The car park area is very small and there is inadequate turning provision. The result will be cars pulling in forwards across the pavement and then being forced to reverse across a wide pavement area on to the junction.
- The proposal includes cycle provision; however, the access statements does not propose any safe cycle routes to the site, nor the fact the driveway to the new car park will impede people walking along the pavement. The proposal should seek to enhance the walking and cycling routes especially on a very prominent corner.
- The cycle store is only accessed by going up/downstairs and taking a detour to the rear of the development. Even though a ramp is proposed, these can be very awkward to navigate. To improve access to the bike store it should be

sited to the front of the development for ease and convenience. The fact that bins and bikes are mentioned in the same section suggests low regard for cycling. No information has been provided regarding the provision for wider cycles like trikes or cargo bikes.

DESIGN

- The building is large and is not in keep with the existing buildings within the surrounding area. The building will dominate/overbear the other buildings within the surrounding area. The building will dominate long views of the site from Sandygate Road towards the junction with Manchester Road, and Lydgate Green, and is contrary to CS64 and CS31.
- This proposed development scale, layout and built form, building style and materials are not in keeping with the character of the surrounding area. The building materials for the TESCO development nearby were conditioned to be stone.
- The design of the proposed development appears unrealistic in proportion to the actual space available on the site. The width of the proposed development takes up nearly the entire width of the site, which makes it a very dominating presence.
- The proposed building is too large from a mass and height perspective. The proposed development will be far higher than the Crosspool Tavern and any other building in Crosspool.
- A more suitable design and build that's in keeping with its surrounds and site constraints and which does not overlook, overbear or overshadow, would work better and benefit the area. The site needs developing and not just left to deteriorate.

RESIDENTIAL AMENITY

- The building will overlook, overshadow and result in the loss of privacy of Lydgate Green and the residential properties along Lydgate Hall Crescent.
- Published pre-application comments specifically ask for a preliminary noise impact assessment which, at the time of writing, has not been submitted by the applicant.

TREES/LANDSCAPE

- The proposed retaining wall adjacent to No 38 and 40 will detrimentally impact the small trees and bushes established alongside this shared boundary. Further concern relates to the impact on the trees and hedgerow sited within Lydgate Green and the impact the proposed retaining wall have on these. The arboricultural report disregards these trees and hedgerow.
- The proposed 6ft boundary treatment is welcomed, and the existing trees and hedgerow should be retained. No information has been provided with regards to the proposed landscape screening and whether this would provide additional screening between the proposed and existing residential properties.

DENSITY

- The proposed development represents a significant over-development of the relatively small site and is in breach of CS26 of the Sheffield Core Strategy (SCS). Little justification is given for this despite published pre-application concerns raised by officers. The applicant also notes the general lower density and built character of the local area and yet offers little in the way of integrated design analysis.

AFFORDABLE HOUSING PROVISION

- The proposal does not include any affordable housing provision.

OTHER MATTERS

- Objections have been raised on similar grounds in relation to two more recent planning applications on the site (17/01905/FUL and 20/02148/FUL). Neither of these consents have been implemented, presumably on viability grounds, and they are either expired, expiring or cannot be fully implemented. A great deal of weight is placed by the applicants on previous consents. This application should be considered on its own merits.
- The location of the bike store along the boundary with No 38 and 40 will support access into their rear gardens and raise a potential security issue.

PLANNING ASSESSMENT

The National Planning Policy Framework (NPPF) provides the framework for the planning policy and development within England. The overarching principle is to ensure that new development is sustainable, and all relevant local policies should be considered to be in accordance with the relevant paragraphs of the NPPF.

Paragraph 11 of the NPPF makes specific provision in relation to applications involving the provision of housing and provides that where the Council cannot demonstrate a five-year supply of deliverable housing sites, the policies which are most important for determining the application will be considered to be out of date. At this current time, the Council cannot demonstrate a five-year supply of sites for housing (it is 3.63 years), there is a presumption in favour of the development at this current time.

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 triggered, and as such, planning permission should be granted unless the application of policies in the NPPF 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.

However, paragraph 11 d) i) and footnote 7 of the NPPF make clear the presumption in favour would not apply where the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

LAND USE

The development site as allocated under the Unitary Development Plan lies within a local shopping centre. Within such areas UDP Policy S7 sets out that retail is the preferred use, however other uses such as residential development can be considered to be acceptable, subject to retail uses remaining dominant within the area.

The principle of the loss of the retail unit on the site has already been established through the granting of the previous consents and the premises have been demolished. In addition, the use of the site for residential purposes has already been established through previous planning permissions. The site is on the edge of the Local Shopping Centre, would not lead to the loss of any retail use and would not prejudice the dominant use of the centre for retail.

HOUSING DENSITY

The development site covers an area of 0.06 hectares. Core Strategy Policy CS26 requires that housing development makes efficient use of land. The policy sets a density of 30 to 40 dwellings. This policy is consistent with the NPPF which seeks to ensure the efficient use of land in Paragraph 124; as such CS26 can be offered weight. The proposal will have a density of approximately 116 dwellings per hectare, which does not accord with Core Strategy Policy CS26. Interested parties have raised this concern.

However, the development site is located at a sustainable location within walking distance of shops and services and would comply with Paragraph 124 of the Framework which seeks to make efficient use of land. Further to this, it will support the redevelopment of a previously development site. Policy CS24 seeks to prioritise the redevelopment of previously developed sites and sets out that not more than 12% of dwellings should be erected on greenfield land. The site has been previously developed and so complies with this policy aim.

Paragraph 119 of the NPPF states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Part C of Paragraph 120 of the NPPF states that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Part D of Paragraph 120 of the NPPF states that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.

Paragraph 125 of the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

Whilst the proposal will result in a housing density that is greater than previous

granted planning permissions and as set out within Policy CS26, further consideration must be given to that the development site is a brownfield site within an existing settlement, and the Council cannot demonstrate a 5-year housing land supply. Thus, when all elements are finely balanced within the planning balance the proposal would contribute to housing supply within the city and the development would make optimal use of the site. The principle of the proposal would accord with paragraphs 119, 120 and 125 of the NPPF.

DESIGN

Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 of the NPPF states that proposed development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Further to this, paragraph 130 of the NPPF states that proposed development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Unitary Development Plan Policy S10 states that proposed development should be well designed and of a scale and nature appropriate to the site.

Unitary Development Plan Policy BE5 states that good design and the use of good quality materials will be expected in all new buildings. New buildings should complement the scale, form and architectural style of surrounding buildings, and new developments comprising more than one building there should be a comprehensive and co-ordinated approach to the overall design. Proposed designs should take full advantage of the site's natural and built features and the design, orientation and layout of developments should encourage the conservation of energy and other natural resources. In light of paragraph 130 of the NPPF, policies BE5 and S10 are still relevant and afforded weight.

Policy CS74 of the Core Strategy Plan Document states that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. In light of paragraph 130 of the NPPF, policy CS74 is still relevant and afforded weight.

Interested parties have raised concerns regarding the design, scale, form, massing, and proposed materials of the apartment blocks. Further concerns have been raised that the apartment block is not in-keeping with the character of the surrounding area, and it will over dominate the surrounding residential properties. The proposed building is 4-storeys high with the top floor contained within a metal clad mansard style roof. Whilst it is acknowledged that the surrounding area consists of 2 storey properties and the proposed apartment block will be 4 storeys' high, the previous extant planning permission approved a 4-storey building.

Thus, it would be unreasonable to request further amendments regarding the lowering of the apartment block. Amendments have been received between the pre-application enquiry submission and the submission of this full planning permission reducing the height of the apartment block from 4 storeys to 3 storeys on the side nearest to the Crosspool Tavern to ensure an appropriate transition between these buildings.

The approach from Sandygate Road is a key view, with the Crosspool Tavern, Lydgate Green trees and the site framed by the shops along Sandygate Road. The stepped form of the building includes terraces and balconies which activates the front elevation and assists in breaking down the bulk of the building and provides a transition between the Crosspool Tavern and the apartment block.

The apartment block will be set back from the street with a forecourt, soft landscaping, and stone boundary wall forward of the apartment block. Amendments have been received between the pre-application enquiry submission and this full planning permission through the inclusion of the front stone boundary wall which will reflect similar stone walls within the locality and better define the interface of the development site with the street scene.

The design of the building entrance has been modified to enhance the approach from the car park through the broadening of the path, further amendments have been made to the design of the bin store and the rounding off the building corner to achieve a smoother curved approach which supports passive surveillance of the building's entrance.

The proposed materials will be a light stock brick with bronzed metal cladding, which will complement the materiality of the surrounding properties. The details of the proposed materials for the apartment block and the stone wall will be required through condition. As such the contemporary design of the apartment block will harmonise with the character of the surrounding area and make a positive contribution to the street scene. The proposal accords with local planning policies S10, BE5, CS74 and paragraphs 126 and 130 of the NPPF.

RESIDENTIAL AMENITY

Paragraph 130 of the NPPF states that proposal should look to create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. UDP Policy S10 states that proposed development should not cause residents or visitors in any hotel, hostel, residential institution, or housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health or safety. Policy S10 is still relevant to paragraph 130 of the NPPF and is afforded weight in the assessment of the proposal.

Interested parties have raised concerns regarding the lack of a preliminary noise impact assessment, this will be required by condition. Interested parties have raised further concerns that the building will overlook, overshadow, and result in the loss of privacy of Lydgate Green and the residential properties along Lydgate Hall Crescent.

The development site benefits from a north-westerly orientation and will be sited adjacent to the pub and Lydgate Green. Within the Lydgate Green are mature trees sited parallel to the boundary within the development site. Windows are proposed in the side elevations looking out over the Green; however, these will be partially screened by landscaping. Further, any view is of a publicly used area and will provide some natural surveillance of this area.

Due to the proposed siting of the apartment block, the north westerly site orientation, the fact the development site is sited between a pub and Lydgate Green, sited 37m from the rear elevations of No 30 Lydgate Hall Crescent, at a 90 degree angle to the south east of No 38 and 40 Lydgate Hall Crescent and No 38 and 40 Lydgate Hall Crescent are sited 18ms away from the shared boundary with the development site, the apartment block will result in no significant overshadowing and overbearing impacts on No 38 and 40 Lydgate Hall Crescent.

The proposed boundary treatment abutting the properties along Lydgate Hall Crescent will be 1.8m timber board fence. To the rear of the third-floor apartment is a flat roof where there will be no access, and a condition will be required to prevent the use of the flat roof as a roof terrace. Amendments have been received to the rear balconies of the first and second floor apartment to include 1.7m high privacy screens along the eastern elevation which have been incorporated into the design of the apartment block. Thus, there will be oblique views of the bottom of the garden of No 40 and 38 Lydgate Hall Crescent only, from these balconies. The private residential amenity area of No 40 and 38 is adjacent to the rear elevations of the properties.

From the rear elevation of the apartment block to the boundary with No 30 Lydgate Hall Crescent is a separation distance of 20.5m, further to this the land levels rise through the site to the residential properties on Lydgate Hall Crescent. From the rear elevation of the apartment block to the rear elevation of No 30 is a separation distance of 37m. The separation distance accords with Guidance found within the Designing House Extensions Supplementary Planning Document where 21m must be maintained between the rear elevations of properties. As such the apartment block will result in no significant overbearing, overshadowing or overlooking of the neighbouring residential properties.

To the front of the site is the junction of Lydgate Lane and Manchester Road. There are residential properties from which the proposal will be visible, but the separation distances and angles between developments will ensure that there is not any unacceptable impact to properties in this direction.

Apartments 1, 3, 4, 5 and 6 will have enclosed balconies, apartment 2 will have a private ground floor terraced area and apartment 7 will have a roof terrace off the principal elevation. Apartments 1,3,4,5 and 6 will have access to further private residential amenity space to the rear of the apartment block. The apartments will benefit from positive orientations and outlooks whilst being of a reasonable size. The proposed bin stores will be sited forward of the principal elevation and a cycle store will be sited within the rear communal garden. Thus, due to the good quality design of the apartment block this will supports the long-term functionality and liveability of the apartments, but also the amenity of future occupants and neighbouring

residential properties. The proposal accords with local planning policy S10 and paragraph 130 of the NPPF.

HIGHWAYS

Policy T8 of the UDP states that the safety, convenience and attractiveness of footpaths and pedestrian areas will be improved, and new routes and areas created, to form a pedestrian-friendly network throughout the City and provide access to the countryside around Sheffield.

Policy T21 of the UDP states that provision will be made for car parking where it would: (a) meet the operational needs of businesses; or (b) be essential for the viability of a new development; or (c) enable ready access to the City outside peak hours; or (d) improve the environment or safety of streets; or (e) meet the needs of people with disabilities; or (f) be needed by visitors to the countryside; and provided that it would comply with Policies T22 to T25, and the Parking Guidelines. Levels of parking will be regulated to prevent excessive peak hour congestion.

Paragraph 111 of the NPPF states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' Paragraph 112 c) of the NPPF states that applications for development should create places that are safe, secure, and attractive which minimise the scope for conflicts between pedestrians, cyclists, and vehicles, avoid unnecessary street clutter and respond to local character and design standards.

Interested parties have raised concerns regarding the lack of car parking provision within the site, and that it will increase on street car parking congestion on neighbouring streets. The development site is located within a Local Shopping Centre, which is well served by good public transport links and amenities. The 'Proposed Site Plan 682-PKA-XX-ZZ-DR-A-PL-10', shows that cycle storage will be provided to the rear of the apartment block and the forecourt forward of the apartment block will provide 7 off street car parking spaces for 7 apartments and a turning area within the forecourt. The turning area will enable cars to leave the forecourt forward facing.

Owing to the sustainable location of the development site there will be sufficient off street car parking provision to serve the apartment block. The Council's Highway's Officer raised no objection to the amount of off-street car parking and cycling provision provided within the proposal.

Interested parties have raised that the residents' cars will attempt to turn right from the development and access Lydgate Lane to make a left-hand turn onto the A57 Manchester Road which will cause an obstruction to Lydgate Lane blocking access for cars/cyclists from the A57 Manchester Road. Further concerns have been raised that cars will have to brake sharply to make an immediate left turn after exiting Manchester Road onto Lydgate Lane.

The 'Proposed Site Plan '682-PKA-XX-ZZ-DR-A-PL10'', received on the 21st August 2023, shows that the existing access will be retained, and a 1m high stone boundary

wall will separate the development site from the pavement. Google Street View images from August 2019 shows that the original building had at least 3 car parking spaces forward of the building, and a car parking space and further garage to the rear of the building. The proposed car park will provide 7 off street car parking spaces which is not a significant increase on the number of off street car parking spaces previously provided by the original building prior to its demolition.

The erection of the apartment block will result in a small increase in the number of parking spaces, but vehicle movements are likely to be less than associated with customers using the previous retail use. Further to this, the forecourt forward of the apartment block provides the opportunity to safely manoeuvre and leave the site forward facing; the previous layout would have seen cars reversing onto the pavement to enable them to leave the access onto Lydgate Lane forward facing.

It must also be noted that the previous retail use would easily have generated more pass-by customer trips entering the site during peak periods than the proposed residential use. A review of personal injury accidents (Crashmap) for the past 23 years shows no injury accidents recorded in Lydgate Lane by the existing vehicular access. As such the Council's Highway's Officer raises no objections to the proposal, and sufficient off street car parking is provided for the development site within a sustainable location. The proposal accords with local planning policies T8, T21 and T28 and paragraphs 111 and 112 of the NPPF.

LANDSCAPE/TREES

Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

Policy GE15 of the UDP states that trees and woodland will be encouraged and protected by requiring developers to retain mature trees, copses and hedgerows, wherever possible, and replace any trees which are lost. It is considered that the relevant noted sections of these local plan policies being relied on above remain in accordance with the NPPF and can be afforded substantial weight.

Interested parties have raised concerns that the proposed retaining wall adjacent to No 38 and 40 will detrimentally impact small trees and bushes established alongside this shared boundary. Further concerns relate to the impact the retaining wall would have on the trees and hedgerow sited within Lydgate Green, and that the arboricultural report provided within the application submission disregards these trees and hedgerow.

The trees sited along the boundary between the development site and No 38 and 40 and Lydgate Green, are not protected by a Tree Preservation Order, and are not sited within a Conservation Area, thus they are not afforded any protection and any damage to these trees resulting from the development would be a civil matter. Further to this, the hedgerow is not an historic hedgerow (existing prior to 1850), as such is not afforded protection through the 'The Hedgerows Regulations 1997'. Further concerns have been raised that no information has been provided with regards to the proposed hard and soft landscape scheme and whether this would

provide additional screening between the proposed and existing residential properties. The details of the proposed hard and soft landscape scheme will be required by condition.

Appendix 5: Tree Constraints Plan and Appendix 4: Tree Data of the 'Arboricultural Report & Impact Assessment', shows that Trees 6 and 7 that lie within the boundary of the pub but overhang the site will be pruned back to the boundary or the overhanging branches will be lifted off the boundary. The Council's Landscape Officer raises no concerns regarding this proposed works. Appendix 5 also shows a shared privet hedge along the boundary with Lydgate Green. Appendix 5 also shows within Lydgate Green there are groups of hawthorn, sycamore and ash trees that are adjacent to the development site. Appendix 4 denotes that no pruning works are proposed. Appendix 5: Tree Protection Plan of the Arboricultural Method Statement shows that the root areas of these trees lie outside of the development area, thus there will be no significant harm on the visual amenity that the group of trees and hedgerow provide to the surrounding area or their long-term vitality.

Interested parties have also raised concerns regarding the Sycamore tree (T1) sited adjacent to the road that it is potentially suffering from decay and that a risk assessment should be requested from the Council. The comments go on to state that if the tree is healthy then it should be protected by a tree preservation order. The Sycamore tree (T1) lies outside of the red line boundary of the development site, and the proposal includes no amendments to the existing access. Thus, it would be unreasonable to request any further information from the applicant regarding the health and vitality of the Sycamore tree within the grass verge. Any concerns regarding the Sycamore tree's health and vitality will be forwarded to the Council's Park and Tree Section for review. Further to this, as the tree is under the management of the Council's Park and Tree Section it would not be prudent to pursue a tree preservation order for the tree.

The Council's Landscape Officer raises no concern regarding the arboricultural report provided within the application submission. The root network of the Sycamore tree lies within the car park of the development site. The existing sub-base of the hardstanding will be retained. A method statement will be conditioned that shows details of how the new car park will be constructed without undermining the root system of the Sycamore tree. As such, the proposal is unlikely to result in significant harm to the Sycamore tree, and further hard and soft landscaping details and a method statement will be required by condition. The proposal accords with paragraphs 131 of the NPPF and GE15 of local planning policy.

BIODIVERSITY

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.

The development site has been cleared and as a result has a low starting baseline, thus in this case a preliminary ecological assessment will be required through condition. A landscape and ecology plan will be conditioned that will show how

biodiversity net gain enhancements will be achieved within the development site. In light of this, the proposal accords with paragraphs 179 and 180 of the NPPF.

SUSTAINABILITY/DRAINAGE

Policy CS64 of the Core Strategy Plan Document states that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and function in a changing climate. All developments will be required to achieve a high standard of energy efficiency, and make the best use of solar energy, passive heating and cooling, natural light, and natural ventilation. Further to these new buildings should seek to minimise the impact on existing renewable energy installations and produce renewable energy to compensate for any loss in generation from existing installations as a result of the development.

All new buildings and conversions of existing buildings must be designed to use resources sustainably. This includes but is not limited to minimising water consumption and maximising water re-cycling, re-using existing buildings and vacant floors wherever possible, and designing buildings flexibly from the outset to allow a wide variety of possible future uses. The new buildings should use sustainable materials wherever possible and making the most sustainable use of other materials whilst minimising waste and promoting recycling, during both construction and occupation. In light of paragraph 130 of the NPPF, policy CS64 is still relevant and afforded weight.

As mentioned previously, the development site is for 7 dwellings, and in accordance with Policy CS64 a sustainability statement will be conditioned that demonstrates that the apartment block will achieve 10% renewable energy provision for the apartment block. Further details regarding drainage will be required through condition. As such the proposal accords with paragraph 130 of the NPPF and local planning policy CS64.

OTHER MATTERS

Interested parties have raised concerns regarding the lack of affordable housing provision within the proposed development. Policy CS40 'Affordable Housing' states that in all parts of the city, developers of all new housing developments will be required to contribute towards the provision of affordable housing where this is practicable and financially viable. GAH1 of the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document states that affordable housing or a contribution will be sort on development sites with the capacity for 15 or more dwellings. The application proposal in this case is for 7 apartments, thus affordable housing contribution would not be applicable in this case.

CONCLUSION

In conclusion, the proposal will result in the redevelopment of a brownfield site, the efficient use of land and make a small contribution to housing land supply within the city. The apartment block will be well designed and enhance the appearance of the street scene. No significant harm has been identified with regards to residential amenity of neighbouring properties and future occupiers of the flats, highways, and

pedestrian safety, to nearby trees or the biodiversity of the site. The proposal accords with paragraphs 111, 112, 119, 120, 125, 126, 130, 131, 179 and 180 of the NPPF, and local planning policies CS64, CS74, GE15, S10, T8 and T21.

Case Number	23/00334/FUL (Formerly PP-11894213)
Application Type	Full Planning Application
Proposal	Change of use of public house to create 16 bed HMO (Sui Generis) retention of rear dormer window and erection of a single-storey side extension with associated works (Amended description)
Location	The Sportsman 156 Darnall Road Sheffield S9 5AD
Date Received	01/02/2023
Team	North
Applicant/Agent	Space Studio Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development hereby permitted shall be carried out in complete accordance with the following plans, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Site Location Plan - drawing no A22-113-01 revision B published 11.04.2023

Proposed Ground Floor and First Floor Plan - drawing no A22-113-06 revision C published 24.10.2023

Proposed Second Floor Plan and Roof Plan - drawing no A22-113-07 revision C published 24.10.2023

Proposed Front and Rear Elevations - drawing no A22-113-08 revision B published 05.10.2023

Proposed Side Elevations - drawing no A22-113-09 revision B published 05.10.2023

Flood Risk Assessment by SpaceStudio Ltd - Job Number A22-113 rev A published 05.10.2023

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 shall commence until full details of measures to protect the existing trees (including those close to or adjoining the site) to be retained, have been submitted to and approved in writing by the Local Planning

Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

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

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

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

8. 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.

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

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

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

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

11. Prior to the development being brought into use, at least two bird boxes and two bat boxes shall have been installed either on the building or within the site in accordance with details first submitted to and approved in writing by the Local Planning Authority. Thereafter the bird and bat boxes shall be retained.

Reason: In the interest of biodiversity and ecological enhancement

12. Prior to the occupation of the development, full details of bin storage shall be submitted to and approved in writing by the Local Planning Authority. Bin storage shall thereafter be provided in accordance with the agreed details prior to the occupation of the development and shall be retained for the lifetime of the development.

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

13. Prior to the occupation of the development, full details of the boundary treatment to the rear yard/garden shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be provided in accordance with the agreed details prior to the occupation of the development and shall be retained for the lifetime of the development.

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

14. The development 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 development 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.

Other Compliance Conditions

15. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped

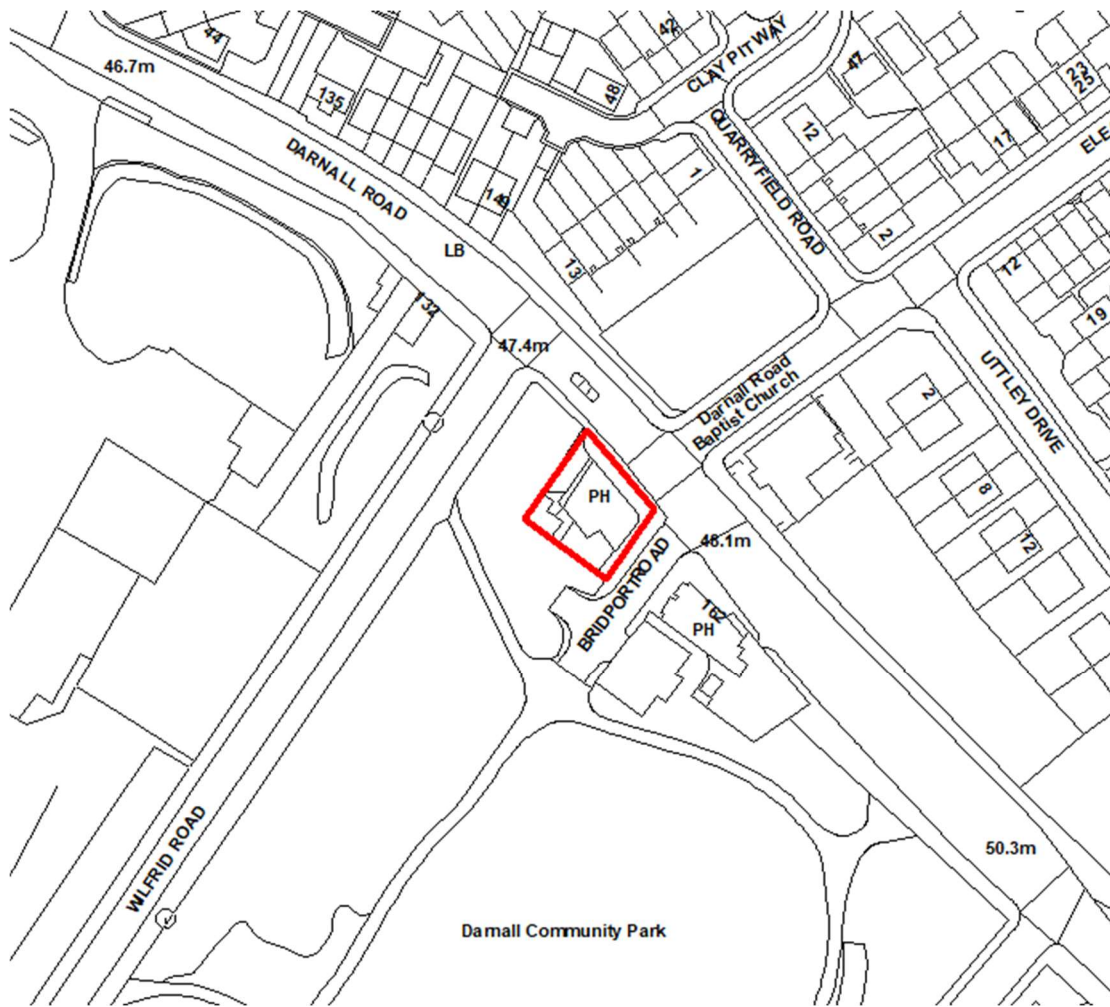
areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

Attention is Drawn to the Following Directives:

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

Site Location



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LOCATION AND PROPOSAL

The site relates to a former Public House known as The Sportsman on Darnall Road.

It is understood that the building has been vacant for approximately one year. It is positioned on the corner of Darnall Road and Bridport Road. To the south-east and on the opposite corner of Bridport Road there is a former pub which received planning permission in 2019 to be converted to a nursery. To the north-east and on the opposite side of Darnall Road lies Darnall Baptist Church along with a tree covered embankment and housing beyond. Immediately to the south and south-west of the building lies Darnall Community Park which is accessible via the end of the Bridport Road.

The site is designated as an Open Space area as defined by Sheffield Unitary Development Plan (UDP). Land to the north and north-east of the site is designated as a Housing Area and to the north-west lies a designated Mixed-Use Area.

Planning permission is sought for the change of use of the former public house to create a 16 bedroomed House in Multiple Occupation (HMO) (Sui Generis) including retention of a rear dormer window and erection of a single-storey side extension and associated works.

Amended plans have been submitted through the course of the application reducing the number of bedrooms from 19 to 16. The proposed side extension has also been amended so that it is setback fractionally from the front elevation of the building.

There are five bedrooms proposed on the ground floor with a communal kitchen and lounge area, as well as a store. Seven bedrooms are proposed on the first-floor, as well as a store. Three bedrooms are proposed on the second floor within the roofspace. All but four bedrooms are en-suite, and the four which are not are on the ground floor and would share two toilets.

HMO definition

A small HMO (Use Class C4) is usually defined as a shared house occupied by 3-6 unrelated individuals, as their only or main residence who share basic amenities such as a kitchen, toilet or bathroom. Dwellinghouses (Use Class C3) can change to a small HMO (Use Class C4) without planning permission, unless there are restrictions in the locality such as an Article 4 Direction.

HMOs shared by 7 or more persons fall outside the established use classes, known as 'sui generis', and thus require planning permission in any instance. The application proposal is a large HMO and thus falls outside the established use classes order.

Notwithstanding the requirement for planning permission, HMOs also need to comply with the Regulatory Reform (Fire Safety) Order 2005, as well as requiring a HMO License and adhering to the requirements of the license.

PLANNING HISTORY

No relevant planning history.

SUMMARY OF REPRESENTATIONS

Site notices were posted near to the site on 10.05.2023, giving an expiry date for comments of 04.06.2023.

Clive Betts MP has raised concerns with the proposal stating the following:

- Concerns regarding the number of people projected to be housed. It seems to be a large number and appears that efforts have been made to minimise room sizes in order to achieve as many rooms as possible. The rooms look very small for the accommodation.
- Communal facilities do not appear sufficient. It seems the building should have fewer rooms and more facilities to be used communally.
- There is a complete lack of parking. It is appreciated that there is vacant land around, but it is hoped that the land will be regenerated as part of the general redevelopment of the Lower Don Valley. If the area is developed for industry or residential use, there is a need for parking associated with that development. It seems unfair that this building is the first of what may be many in the area in the future, that it should not be required to provide parking when all future developments will have to make provision.

39 representations from 34 households have been received, 38 in objection and 1 in support.

The objections are summarised below:

Material Planning Considerations

- Object if the building is to house ex-offenders as a halfway house, due to position adjacent to a local park and near to schools.
- No notification to residents of who the housing is for and the people it is aimed at.
- Concerns of crime and anti-social behaviour associated with a potential use as a halfway house.
- Granting an HMO is inviting people who can pose serious risk to young people in the park.
- Concerns regarding fire safety as 19 rooms housing up to 23 people with only a single staircase next to the kitchen, acting as the sole emergency exit.
- Inadequate provision of toilet, shower and washroom facilities for a significant number of tenants.
- Inadequate storage facilities both in private rooms and communal area.
- The square footage of the rooms provided does not meet the recommended sizes for a living area under a HMO license, affecting quality of life of tenants.

- No details of refuse are included.
- No parking provision, adding significant pressure on local parking.
- No provision for disabled access.
- Work has already commenced on the property.
- Concerns that not all neighbours have been notified of the application.
- Already lost many pubs and amenities in the local area.
- Concerns of overlooking from windows towards properties opposite.
- The property does not have sufficient outdoor space, therefore residents may congregate outside premises.
- The windows have been specified to be white uPVC as existing, whereas they were originally timber.
- Concerns of loss of light and overshadowing.
- Concerns of traffic generation and highway safety concerns from the use.
- The submission states the existing use is a pub with 9 bed HMO above – incorrect as the accommodation was landlord accommodation associated with the pub.
- The existing plans are inaccurate, as there is no reference to the function room.

Non-material Planning Considerations

- House prices will be affected.
- Turning the property into a 19-bedroom property is another way for greedy landlords to make an earner.

The letter of support states the following:

- The property was sold in 2022 as the public house was unviable.
- There was no function room within the property.
- The rear yard was never a parking area.
- The proposed use would be more benign to the local community than a struggling public house with late night opening and music.
- 19 rooms with presumably 19 people would be much fewer than people within a viable pub.
- The property is close to public transport, the Sports College and walking distance of the City Centre and Meadowhall.

PLANNING ASSESSMENT

Policy Background

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

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in September 2023 (the NPPF) is a material consideration.

Paragraph 219 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

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

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

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

The park is designated as an Open Space area as defined by Sheffield Unitary Development Plan (UDP).

PROPOSED USE

The definition of open space in the National Planning Policy Framework (NPPF) is:

- All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

The use of the word 'and' indicates that the site has to offer an important opportunity for sport and recreation and if it does, it can also make a contribution to visual amenity.

Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

UDP Policies LR4, LR5 and LR8 (Development in Open Space), and Core Strategy Policies CS47 (safeguarding open space) are applicable for such designations.

UDP Policy LR4 states that open spaces will be protected where it is needed for outdoor recreation or where it contributes to the natural environment, urban heritage or quality of life.

UDP Policy LR5 states that development in open space areas will not be permitted where they would harm the appearance of a public space.

UDP Policy LR8 states development in open spaces will not be permitted where it involves the loss of recreation space for a housing area below the minimum guidance, in an area where residents do not have easy access to a park or where it provides a well-used or high-quality facility for people living or working in the area.

Core Strategy Policy CS47 (Safeguarding Open Space) seeks to protect open space and prevent development that would result in the loss of open space which is of high quality or of heritage landscape.

Open space is defined within the UDP as 'a wide range of public and private areas'. This includes parks, public and private sports grounds, school playing fields, children's playgrounds, woodland, allotments, golf courses, cemeteries and crematoria, nature conservation sites, other informal areas of green space and recreational open space outside the confines of the urban area.

The UDP policies go beyond the requirements of the NPPF, as the protection of open space for visual amenity alone is not consistent with it, and they therefore carry reduced weight. However, the application site is a former Public House and therefore the site does not function as a parcel of open space.

The Darnall Community Park to the rear of the site is clearly an area of functional open space. The Sportsman does not provide a recreational function to support the park and is a plot independent of the park, and whilst positioned adjacent to it, it is not connected with the park or its function as parcel of open space. Consequently, the change of use of the premises to form a house in multiple occupation (HMO) would not therefore result in the loss of open space provision or facilities connected with the adjacent park (functional open space), nor would the redevelopment of the site be harmful to or restrict access to Darnall Community Park.

Whilst the site is designated as part of a wider Open Space Area in the Sheffield Unitary Development Plan (UDP), it is clear that this wider designation is now somewhat outdated as the application site does not function as open space as per the definition within the NPPF, and therefore the redevelopment of this site would not result in the loss of a functional open space area.

The principle of the proposed use of the site as a house in multiple occupation does not therefore undermine the aims of local and national open space policies, and as such would not breach UDP Policies LR4, LR5 and LR8, despite their reduced weight, or the aims of the NPPF.

COMMUNITY FACILITY

The Unitary Development Plan defines Public Houses as a community facility. UDP Policy CF2 says that development which would result in the loss of community facilities will be permitted if the loss is unavoidable and equivalent facilities would be provided in the same area; or the facilities are no longer required; or where a change of use of a building is involved, equivalent accommodation would be available elsewhere.

UDP Policy CF2 is broadly compliant with the aims of paragraph 84 d) of the NPPF which seeks to retain community facilities such as public houses.

The site is not registered as an Asset of Community Value. The public house seems to have been closed for approximately one year and it is acknowledged that there is an existing public house (Terminus Tavern) half a mile away on Main Road, Darnall. Other than one comment regarding several pubs and amenities closing in the local area, the public comments received do not suggest or indicate that the public house was well used. Given this context, it is not considered that its loss would be harmful, and it is acknowledged that there is a public house within the local area.

Consequently, the proposal is considered compliant with regards to UDP Policy CF2 and the NPPF.

HOUSING LAND SUPPLY

The NPPF requires local authorities to identify a 5-year supply of specific 'deliverable' sites for housing. Policy CS22 of the Core Strategy sets out Sheffield's housing targets until 2026; identifying that a 5-year supply of deliverable sites will be maintained. Sheffield cannot demonstrate a 5-year land supply and currently has a 3.63 year supply of deliverable housing units.

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

In addition to the above, the NPPF (paragraph 60) attaches significant weight to boosting the supply of new homes. The provision of a single new residential unit (16 bed roomed HMO) would make a small, but positive contribution to the City's obligation to the supply of housing.

DESIGN & IMPACT ON HERITAGE ASSETS

Paragraph 130 of the NPPF sets out a series of expectations including ensuring that developments add to the quality of the area, are visually attractive as a result of good architecture; layout and landscaping; are sympathetic to the local character

and surrounding built environment; establish and maintain a strong sense of place; optimise the potential of a site and create places that are safe, inclusive and accessible.

The existing building is an attractive brick faced Victorian/Edwardian public house with brick walls that define the rear yard. There is a small gable feature to the front elevation and the entrance door has a decorative architrave. There are three original dormer windows positioned on the front roof plane positioned equidistant apart. The north-western side of the property has a gabled roof and what appears to be the remnants of a gable wall of what would have been an attached building. The south-eastern side of the property has a hipped roof. It is understood that the building originally had white timber windows, however these have recently been replaced with white uPVC windows.

The following alterations and extensions have been undertaken and/or are proposed:

- The front dormer windows have been refurbished and had new glazing inserted.
- New white uPVC windows have been inserted into the property.
- A large box dormer window has been constructed on the rear roof plane.
- A single-storey side extension is proposed on the north-western side of the building.

The front dormer windows look almost identical to how they were originally, albeit refurbished and now within uPVC windows. The retention of timber windows would be preferable, however replacement uPVC windows of a similar design would not require planning permission. The retention of the windows and their refurbishment will aid in preserving the buildings original appearance.

A large box rear dormer window has been constructed. A large dormer window is not ideal; however, it is shown to be inset from the side elevations of the building which reduces its prominence and visibility from certain vantage points. It is inset from the north-western elevation (gabled side) by approx. 400mm and the other side elevation (facing Bridport Road) by approx. 4m and set down from the ridge of the roof by approx. 250mm. The dormer window has been constructed and has been viewed on site. It has been finished in a grey coloured uPVC cladding, with the colour blending in almost seamlessly with that of the new grey roof tile. The dormer is not readily visible from the street, but it is visible from the rear, both at the end of Bridport Road and from Darnall Community Park. It is considered that the use of grey coloured cladding has ensured that the dormer is not overly prominent. Dormer windows are found on many properties in the area and as such it is not an alien feature on the rear of such a building. Given the use of cladding and the position at the rear of the building, it is not considered harmful to the appearance of the host property or that of the wider area. It is also acknowledged that the land levels and foliage at the rear, within the park, provides some screening of the property.

A flat roofed single-storey extension is proposed on the north-western side of the building, adjacent to the grassed area bordering Wilfrid Road. The extension would

essentially infill a parcel of land which is within the established curtilage of the premises, currently bounded by a small fence. Amended plans have been received showing that the proposed extension is now to be setback from the front elevation of the building by approx. 300mm, to give a clear transition between the original building and the extension. The proposed extension is very simple in form, which is considered appropriate to ensure that the decorative former public house building remains the focal point and so as not to detract from it. The rear part of the extension is shown to be angled in relation to the rear elevation of the building, which is unusual, however it would not be noticeable from the side elevation due to the longer extent of the proposal projecting along the side boundary and the angled plane returning back towards the rear elevation, thereby in affect screening this unusual junction. Additionally, the existing rear boundary wall will screen this angled part of the extension from Darnall Community Park. It is considered important to source an appropriate facing brick for the extension, to ensure that it closely matches that of the existing building and as such a condition is advised to secure samples prior to the construction of the extension.

The proposed extension would be partially screened by existing trees within the adjacent grassed area between the site and Wilfrid Road, nevertheless it would be visible from both Wilfrid Road and Darnall Road from the north-west. From Wilfrid Road, the extension would be seen against the backdrop of the gable of the existing building and the section which projects beyond the rear elevation could be read as part of the rear boundary wall – full details of the boundary treatment are to be conditioned. Furthermore, the topography of the grassed area to the side of the building will help partially screen the lower part of the side elevation of the extension. Subject to the sourcing of a high-quality brick and given the setback of the proposed extension from the front elevation alongside its simple form, it is considered that the proposed extension is acceptable in this instance and will ensure that the building remains the architectural focal point.

The re-use of the building will secure the future of a character building and is an opportunity to provide the refurbishment of it. All in all, the proposal is considered to contribute positively to the visual amenity of the area and would incrementally support the regeneration of the area.

Paragraphs 199 to 202 of the NPPF require the assessment of the impact of a development upon a Heritage Asset. In this instance there are three heritage assets in excess of 30 metres to the north-west of the site. They are as follows:

- Former offices at Sanderson Kayser's Darnall Works (Grade II Listed)
- Lodge, Weybridge Cabin and boundary walls at Darnall Works (Grade II Listed)
- Darnall Steelworks (Ancient Monument)

Further to the above, UDP Policy BE19 seeks to protect listed buildings. UDP Policy BE22 seeks to preserve and protect Ancient Monuments. These policies broadly align with the NPPF.

In addition to the NPPF, the Statutory Duty contained under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act)

requires the Local Planning Authority 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.

Paragraph 202 of the NPPF states 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.

As discussed, the proposal would introduce a new side extension and large rear dormer window, whilst providing an overall refurbishment of the building. The design of these features has been assessed above. The application building is an attractive Edwardian/Victorian building and adds character to the street. The building is however positioned in excess of 30m from the three heritage assets referenced, being separated by a grassed area and the highway of Wilfrid Road. So, whilst The Sportsman is located within the vicinity of three designated heritage assets, it is not readily visible in context with them, and they are visually separated by Wilfrid Road and soft landscaping. Consequently, despite some intervisibility between the site and the three heritage assets, the development will not affect the setting of these heritage assets to any meaningful degree and thus it is considered that any impact would be negligible and would cause no harm to the designated heritage assets in question.

As no harm is identified in this instance, an assessment of public benefits to off-set any identified harm is not required in this instance.

The proposals are therefore considered to be compliant with paragraphs 199 to 202 of the NPPF and also with the specified Local Plan Policies.

RESIDENTIAL AMENITY

The site is designated within an Open Space policy area, and there are no direct policies linked to residential amenity.

Paragraph 130 of the NPPF seeks to create places that are safe and with a high standard of amenity for existing and future users and ensure quality of life is not harmed.

The nearest sensitive use is housing situated on Quarryfield Road and Uttley Drive to the north and east of the site. These properties and gardens are approximately 40m from the site and those on Uttley Drive are screened to an extent by a landscaped mound. To the south and west the site adjoins Darnall Community Park, with the former Public House (now understood to be a nursery) to the south-east. Darnall Road is a relatively busy road with significant HGV use.

Given the context and the previous use of the site as a Public House, there is considered to be no reason why a house in multiple occupation (residential use) should cause significant amenity impacts in this location. Despite having 16 bedrooms proposed, the comings and goings associated with the HMO would likely be less than that associated with the former public house use, although it is appreciated that comings and goings could now occur throughout the day and

night rather than being restricted by licensed opening hours. Nevertheless, it is unlikely that residents would be coming and going throughout the night on a regular basis. The use is residential in character and as such would be compatible with the local area, given the designation of land as a Housing Area immediately opposite the site.

New windows are proposed within the rear elevation including the new dormer windows. These windows would overlook both the rear yard and provide outlook towards the Darnall Community Park. These windows would therefore not introduce any privacy concerns to any nearby neighbouring property or premises but would have the benefit of providing informal surveillance of Darnall Community Park.

Concerns have been raised by local residents that windows within the front elevation would overlook neighbouring properties opposite. The windows within the front elevation are existing and are at least 40 metres from the nearest neighbour on Quarrfield Road and thus any overlooking would not be significant.

The proposed extension would not be positioned adjacent to any neighbouring properties and thus no overlooking, overbearing or overshadowing concerns would arise from its construction.

It is considered that both the proposed use of the premises as a house in multiple occupation and the associated extensions would not result in any harm to living of the occupants of neighbouring properties. The proposal would therefore comply with the aims of the NPPF.

Future Occupiers

Sixteen bedrooms are proposed. The submitted plans show that four bedrooms on the ground floor would share two toilets, whereas the remaining bedrooms would each have an en-suite. The plans show that each room would have sufficient space for at least a bed, desk and wardrobe space. The bedrooms range from 9.8 sq metres up to 22 sq metres, with the average size coming out at approximately 14 sq metres.

All bedrooms would achieve outlook and light from either windows facing out over Darnall Road, Bridport Road or towards the rear overlooking the yard and/or Darnall Community Park. The outlook at the rear looking into the rear yard is not ideal, however this would be improved through soft landscaping in this area. It is recommended that soft landscaping is secured via condition and to help improve outlook towards the rear to a small degree.

Plans show a large communal kitchen/lounge area (46sq metres) and a second communal kitchen (10.8 sq metres) at ground floor level. These communal facilities are to be shared by all residents.

It is understood that all rooms exceed the minimum sizes required under a HMO license. The minimum sleeping room floor area sizes for a HMO license are understood to be the following:

- 6.51 m² for one person over 10 years of age
- 10.22 m² for two persons over 10 years
- 4.64 m² for one child under the age of 10 years

Although the number of bedrooms appears significant, the plans demonstrate that each room would be an acceptable size. The large communal areas may not suit everyone, but ultimately future occupiers would be aware of the layout prior to taking up residence. HMO Licensing includes full requirements for living standards, including matters such as a minimum number of ovens, hobs and microwaves to be shared amongst residents depending on the number living within the premises, and the communal space is large enough to ensure that compliance with licensing requirements can be achieved. Ultimately compliance with HMO licensing is separate from the granting of planning permission.

The site is immediately adjacent to a housing area and adjacent to a park. The location is considered to be appropriate for residential accommodation. The proposed plans show that the building would have all the necessary facilities required for independent living and it is considered that the proposed accommodation would provide living conditions to an acceptable standard. There is only a small rear yard, which is not sufficient to cater for the number of bedrooms proposed, however there is a public park immediately to the rear of the site which provides good quality recreational space for residents to use.

Consideration has been given to whether a noise impact assessment report was necessary due to the position of the premises adjacent to a relatively busy road. Given the context of the site next to a park and adjacent to an established residential area, it was considered unnecessary to request such a report. Acoustic requirements for conversions under Building Regulations will ensure appropriate sound insulation can be achieved.

LANDSCAPING

Policy BE6 of the UDP states that good landscape design will be required in all new developments. This policy is consistent with Paragraph 130 b) of the NPPF which expects effective landscaping to contribute to the attractiveness of new development.

There is limited, if any, scope to provide significant soft landscaping within the confines of the application site. There is a small rear yard area currently enclosed by a brick boundary wall and soft landscaping is proposed here to help with surface water drainage and it is considered necessary to improve outlook for ground floor windows at the rear. As described above, a condition is recommended to secure soft landscaping in this area.

The proposed extension would be located on an existing area of hardstanding but would sit close to existing trees located within the adjoining grassed area to the north-western side of the premises. The proposed extension would be built on what is currently a raised platform of substantial construction which is bound by a concrete post fence. The occurrence of this platform means that tree roots will

unlikely be underneath the area where the extension is proposed. Nevertheless, the adjacent tree(s) should be protected during construction and thus it is recommended that tree protection measures are secured by condition.

On the basis of the above, the scheme would be compliant with UDP Policy BE6 and paragraph 130 b) of the NPPF.

ECOLOGY

Paragraph 180 a) and d) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, minimise impacts on and provide net gains in biodiversity.

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

Given that the building is a former public house with no soft landscaping, it is considered that the site provides little, if any ecological value at the present time, although the surrounding Darnall Community Park clearly provides significant ecological value to the area as a whole.

Given the site constraints, there is also little opportunity to enhance the biodiversity of the site under this application to any meaningful degree. However, soft landscaping is to be proposed (and reserved by condition) within the rear yard which should help improve biodiversity of the site. It is recommended that a condition requiring bird and bat boxes either on the building or within the rear yard is also imposed. Securing these features will provide a small enhancement to the site which is considered proportionate to the scale of development.

It is considered that the proposed extension and change of use of the site to a HMO would have a negligible impact upon the biodiversity of the site given the small size of the site and due to its position adjacent to a main road. Nevertheless, the imposition of the aforementioned conditions will secure some biodiversity enhancement and support the provisions of UDP Policy GE11 and paragraph 180 of the NPPF.

HIGHWAYS

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

The site is situated on Darnall Road. The property does not include any off-street parking provision but there is plenty of on-street parking available in the locality and the surrounding area does not appear to have any parking restrictions. There are also bus stops within 200m of the site that are served by half hourly to 40

minute services and the tram stop is located just over 700m from the site. Therefore, the site is considered to be reasonably served by public transport.

Whilst the lack of dedicated parking provision is not ideal, it is considered that the surrounding roads could cater for any additional parking demand generated by the proposal. Given the sustainable location of the site, it is not considered that a refusal could be substantiated on highway grounds on the basis of a lack of parking provision.

The proposed extension is not considered to introduce any highway concerns given it is to be set away from the junction of Wilfrid Road and Darnall Road and thus would not impact visibility of drivers using the nearby highways.

Consequently, the proposal is considered acceptable under the provisions of paragraph 108 of the NPPF.

Refuse Collection

A condition is recommended to secure full bin storage details, which will be expected to be positioned within the rear yard. Ultimately bins will need to be stored on street on collection days, which is not uncommon. Darnall Road and Bridport Road can be easily accessed by a refuse vehicle.

Coal Mining

The site is located within a Coal Mining Referral Area and therefore a Coal Mining Risk Assessment (dated 7th March 2023) by Groundsmiths Ltd has been submitted with the application.

The Coal Authority has been consulted on this application and have confirmed that the content and conclusions of the submitted report are sufficient for the purposes of the planning system, demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Land Contamination

In light of the fact that the proposal lies within a Coal Mining Referral Area and due to both the proposed residential use and the fact an extension is proposed, there is a potential impact upon human health and the property from mine gases. A mine gas risk assessment along with the standard suite of land contamination conditions are therefore recommended. It is considered that the recommended conditions are proportionate with the risk proposed given that this is for a change of use and new extension proposed.

Flood Risk

Core Strategy Policy CS67 (Flood Risk Management) seeks to reduce the extent

and impact of flooding and requires the use of Sustainable Drainage Systems or sustainable drainage techniques, where feasible and practicable.

The NPPF (Section 14) seeks to ensure that areas at little or no risk of flooding are developed (Flood Zone 1) in preference to areas at higher risk (Flood Zones 2 & 3). Policy CS67 is considered compatible with the NPPF in terms of reducing the impacts of flooding and therefore retains substantial weight.

A portion of the site is located within Flood Zone 2 and a Flood Risk Assessment (FRA) was submitted with the application, however The Environment Agency (EA) objected on the grounds that the FRA was not compliant with paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist.

The agent consequently engaged with the EA directly and has now submitted an updated FRA.

Public Houses and dwellings are considered to be 'more vulnerable' under Annex 3 of the Flood Risk Vulnerability Classification Table in the NPPF. 'More vulnerable' uses do not require the exception test to be applied and are considered appropriate in Flood Zone 2.

The submitted Flood Risk Assessment states that a potential cause of flood risk is Darnall Road which acts as an Overland Flow Path. The application site level is elevated 54m above sea level, with the River Don level being approx. 40m above sea level, which is approximately 1km from the site so would be very unlikely to affect the site.

The entry points into the building from Darnall Road are level with the footpath and the rear entrance from Bridport Road is slightly higher due to the gradient. The flood maps show that the rear garden and entrance is not within Flood Zone 2.

On site drainage will be maintained as a regular maintenance schedule is required for a registered HMO. The FRA goes on to state that the rear yard is to be formed of mainly natural materials, such as grass and wood chippings etc, in place of existing flag stones and tarmac, thereby improving surface water drainage within the site and reducing surface water runoff. This can be secured by condition.

In terms of a safe means of escape from the building, there is an external terrace at first floor level which provides access down to the rear yard which is outside of Flood Zone 2. In the event of a flood, all occupants are to be moved to the first-floor accommodation and/or first floor rear terrace. The cellar is not to be used within the development.

The FRA further states that floor levels are not to be altered and that any internal works are to use water resistant building materials where possible, such as tiled floors and walls, as well as low-absorption boards etc. Existing power sockets and new power sockets are to be positioned 1m above the finished floor levels.

It is stated that Kirk Bridge Dike Culvert runs close to the application site. The

proposed extension would be positioned within proximity to the culvert. The agent has discussed the proposed extension with The EA directly and they have agreed the proposed layout of the extension in relation to the culvert. An Environmental permit will however be required separately from any planning permission to allow a new build within 8m of the existing culvert.

The submitted FRA is considered to be consistent with the EA standing advice and, while the EA have not removed their objection at the time of writing this report, it is expected that they will and the proposal is considered to be acceptable in flood risk terms. Members will be updated with regards to the EA's position in a supplementary report to committee.

CONCLUSION AND RECOMMENDATION

Planning permission is sought for the change of use of a public house to create 16 bed House in Multiple Occupation (HMO) (Sui Generis), including the retention of a rear dormer window and erection of a single-storey side extension and associated works.

Whilst the site is designated as Open Space, the site is clearly not functional open space or used in connection with the designation, and as such the change of use of the premises to a HMO would not result in the loss of open space. The principle of the development is therefore accepted under paragraph 97 of the National Planning Policy Framework (NPPF) and is also considered to comply with Open Space policy outlined within Policies LR4, LR5 and LR8 of the UDP as well as Core Strategy Policy CS47.

The proposed extension and alterations to the building are acceptable and considered to have a negligible impact upon the setting of the three nearby heritage assets – the former offices at Darnall Works (Grade II Listed), the Lodge, Weybridge Cabin and boundary walls at Darnall Works (Grade II Listed) and Darnall Steelworks (Ancient Monument).

The submitted plans demonstrate that living standards would be acceptable and the use of the building as an HMO (residential) would not detrimentally impact the occupants of nearby properties and it is a use appropriate and compatible with such a location.

Biodiversity enhancement will be achieved through a degree of soft landscaping within the rear yard and a condition securing bird and bat boxes.

The submitted Flood Risk Assessment has demonstrated that the proposed use is appropriate in Flood Zone 2 and the proposal is considered to be acceptable in flood risk terms.

For the reasons given within the report, it is considered that the development would be in accordance with the aims of the National Planning Policy Framework and local plan policies, specifically UDP Policies LR4, LR5, LR8, BE5, BE6, BE19, GE11 as well as Core Strategy Policies CS63, CS67, CS47 and CS74.

It is recommended that planning permission is granted conditionally.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 7 November 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 1no. internally illuminated LED display at Four Board advertising right at car sales site, Archer Road, Sheffield, S8 0LA (Case No: 23/02199/HOARD).

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of free standing 48 sheet LED advertising display unit at land adjacent Royal Standard Public House, St Mary's Road, Sheffield, S2 4AN (Case No: 23/01918/HOARD).

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the installation of 48 sheet 6.396m x 3.348m non-illuminated poster panel (resubmission of application 22/03705/HOARD) at The Co-operative Food, 282-292 Gleadless Road, Sheffield, S2 3AJ (Case No: 23/00780/HOARD).

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of two-storey side extension (with single-storey front element) to dwellinghouse at 41 Cherry Walk, Sheffield, S35 1QR (Case No: 23/00576/FUL).

(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse a prior notification for the erection of telecommunications base station comprising of 17.5m high column, 3no. antennas, associated GPS module, 1no. equipment cabinet, 1no. meter cabinet and ancillary works (Application to determine if approval required for siting and appearance) at electricity substation at rear of Holmwood Nursing Home, 50 meters along track, Warminster Road, Sheffield, S8 9BN (Case No: 22/03232/TEL).

(vi) 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 building comprising 4 business/industrial units (Use Classes E (g (iii)/B2) with associated car parking at G Morley Ltd, Worthing Road, Sheffield, S9 3JA (Case No: 22/02875/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 alterations to front paved area of dwellinghouse to form off-road parking including formation of dropped kerb at 520 Fulwood Road, Sheffield, S10 3QD (Case No: 23/00825/FUL) has been dismissed.

Officer Comment:-

The Inspector identified that the appeal site falls within a section of two to three storey housing dating from around 1900, in the middle of this more or less unbroken frontage of terrace blocks. He highlighted that the main issue was the effect of the proposed parking area on the character and appearance of the street scene.

The Inspector noted that some neighbouring properties have already excavated ground and removed the front boundary wall to provide a parking and bin space. While largely subsumed into the predominant character of the street scene, he felt that the cumulative effect of further parking spaces would be detrimental to the character of the housing group as a whole, particularly as it would extend the breach of boundary walling at 522 and 524 over three dwelling frontages and add to the destruction of the tight alignment of front boundary walls.

The Inspector acknowledged that older housing stock should be suitably improved where necessary and appropriate, but that this has to be balanced with harm to amenity in terms of the visual quality of the built environment and in this case he concluded the benefit to the appellant is outweighed by national policy.

In relation to other points raised in support of the proposal, he considered that outlook from the property and electric vehicle charging are incidental benefits which can be achieved (or likely achieved) by other less harmful measures. He also noted that the proposal would benefit the appellant but would reduce the availability of on-street parking, increasing parking stress as a whole. Consequently, the appeal was dismissed.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the demolition of part of existing building (central part of 2nd/3rd floor ceilings/ roofing over 3rd floor) and provide new glazed roof to create an atrium, internal/external alterations and conversion of 2nd/3rd floor offices (Use Class E) to create co-living accommodation HMO (69 en-suite rooms with kitchen) (Use Class Sui Generis) including separate kitchen diner, installation of new windows, alterations to entrance (Dixon

Lane), provision of new entrance (Haymarket), alterations to basement to form gym and shared amenity space at 12-18 Haymarket, Sheffield, S1 2AX (Case No: 22/03856/FUL) has been dismissed.

Officer Comment:-

The proposal related to a former department store located on the eastern side of Haymarket, most recently occupied (in part) by B&M Bargains and a snooker hall. The proposed development sought a change of use to residential accommodation with shared facilities, including a gym.

The Inspector highlighted the main issues: the effect of the proposal on the living conditions of future occupiers including whether the proposal would contribute towards a vibrant, sustainable community; and whether the proposal would provide suitable access, refuse and cycle storage.

The Inspector noted the good-sized rooms and range of features within them, meaning that residents would likely spend a significant amount of time in them despite the availability of communal areas. It was considered that many rooms were considered to have an acceptable outlook, while the outlook from others would be poor. The arrangement of rooms with no external windows at second and third floor level would also be problematic, their outlook (onto a communal amenity area) would be compromised, and their privacy affected by the adjacent communal amenity area resulting in a claustrophobic feel. The Inspector concluded that the proposal would therefore have an unacceptable adverse impact on the living conditions of future occupiers of the site and conflict with Policy CS74 of the Core Strategy and paragraph 130 of the NPPF. Also, that the proposal by reason of the significant adverse impacts outlined above, would not contribute towards creating an attractive, sustainable and successful neighbourhood and would consequently further conflict with Policy CS74 in this respect.

The Inspector accepted that Dixon Lane suffers from a degree of poor environmental quality but had no reason to consider that an access from this street would be inappropriate. The refuse storage and cycle area would occupy the same space within the basement and, while the cycle storage area would be easily accessible from Dixon Lane, the Inspector felt that having to store a bicycle along with refuse and recycling was unlikely to be pleasant or safe or offer any encouragement or support to utilise this mode of travel. It was also considered unlikely that the required level of cycle parking could be provided alongside waste storage.

In other matters the Inspector felt that there was insufficient evidence to conclude that the provision of this type of accommodation would cause an oversupply of such accommodation or imbalance within the area. Also, that set against the harm identified, the proposal would contribute to the overall supply of housing, provide some support to the local economy both during and after construction, and an on-site gym would provide health benefits to residents, affording these matters moderate weight. The Inspector found the evidence on the need for student accommodation was mixed and inconclusive

and so afforded this matter limited weight.

In the planning balance the Inspector noted that the NPPF places significant emphasis on achieving well designed places, stating (at para.130) that planning decisions should create places which promote health and wellbeing with a high standard of amenity for future users, and there is support for cycling at para 104. Therefore, the conflict between the proposal and Policy CS74 of the Core Strategy should be given significant weight and the conflict with the guidelines relating to cycle parking should also be afforded significant weight. As the proposal would be contrary to this policy and guidance, there would be conflict with the development plan as a whole.

The Inspector highlighted the lack of a five-year supply of deliverable housing sites and that, consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The Inspector accepted that there would be economic and social benefits associated with the provision of the scheme but identified significant adverse impacts associated with the proposal regarding living conditions as well as deficiencies with regard to the bin and cycle storage space.

Consequently, the Inspector concluded that the adverse impacts significantly and demonstrably outweighed the benefits of the proposal when assessed against the policies in the Framework taken as a whole and, as a result, the presumption in favour of sustainable development did not apply and the appeal should be dismissed.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the alterations to front garden of dwellinghouse to form off-road parking including formation of dropped kerb at 518 Fulwood Road, Sheffield, S10 3QD (Case No: 23/00806/FUL) has been allowed.

Officer Comment:-

The Inspector identified the appeal site as a mid-terraced property of traditional appearance, set above Fulwood Road with a garden set at a higher level than the road behind a stone wall and some planting. They highlighted the main issue to be the effect of the proposed parking area on the character and appearance of the area.

The Inspector noted that the traditional and established appearance of this terrace is likely to have been one framed by front walls with front gardens set beyond, but that this arrangement is not reflective of the whole terrace as it currently stands which has a rather mixed appearance including open frontages with hardstanding to allow a vehicle to park at No's 504, 522, 524 and 534 Fulwood Road. Also, that some gardens are extensively planted,

and some are not, especially those where a parking area has been created.

The Inspector found that the addition of a similar feature to those existing would not harm the character and appearance of the area given the mixed nature of the existing frontages, especially given that two of those properties are very close by to the west of the appeal site, and that the proposal would not conflict with policies BE5 and H14 of the Unitary Development Plan which, amongst other things require good design and development that would be in scale and character with neighbouring buildings.

The Inspector felt that there was nothing, including the provisions of the NPPF, to indicate that the decision should be made otherwise than in accordance with the development plan and concluded that the appeal should be allowed. Planning permission was therefore granted subject to the standard three-year time limit, in accordance with the approved plans and subject to a condition relating to surfacing, in the interests of highway safety and to reduce the risk of surface water flooding.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a detached domestic double garage and provision of associated driveway and landscaping works at 143 Top Warren, Sheffield, S35 2XT (Case No: 22/04488/FUL) has been allowed.

Officer Comment:-

The main issue in this case was whether the proposed development would be inappropriate development in the Green Belt.

The Inspector noted that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 149 of the Framework lists the types of development that are not considered inappropriate in the Green Belt, including at part c) the extension or alteration of a building provided it does not result in a disproportionate addition over and above the size of the original building.

Policy GE3 of the Unitary Development Plan seeks to protect Green Belt land through resisting the construction of new buildings, subject to certain limited exceptions. This policy pre-dates the Framework and is not entirely consistent with it, as it is more restrictive in relation to the construction of new domestic development in the Green Belt. Consequently, and having regard to paragraph 219 of the Framework, the weight the Inspector attached to UDP Policy GE3 was limited.

The Inspector found that, whilst the garage would not be an extension of the building's fabric, it would provide an incidental function within its curtilage, within proximity of the main building. Taking the principles of case law into account, he felt it reasonable to consider the appeal scheme as an exception under paragraph 149 (c) of the Framework.

Whilst the garage would be sited forward of the front elevation of the host dwelling and at an angle, the Inspector considered that its footprint, height and overall volume would be considerably smaller than those of the bungalow. Its position, at a lower level than the bungalow, together with its matching materials, would also contribute to its subservient appearance.

Accordingly, given its overall scale and siting, the proposal would not result in a disproportionate addition over and above the size of the original building and so he found that the proposal would not be inappropriate development in the Green Belt and would accord with the provisions of the Framework.

With respect to openness and the purposes of the Green Belt, the Inspector concluded that the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it and recommend that the appeal be allowed subject to conditions.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report.

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

7 November 2023

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