

Planning and Highways Committee

Tuesday 9 January 2024 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 Glynis Chapman (Joint Chair), Alan Woodcock (Joint Chair), Mike Chaplin, 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
9 JANUARY 2024**

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 - 14)
Minutes of the meeting of the Committee held on 7th November 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. Applications Under Various Acts/Regulations**
Report of the Head of Planning.
 - 7a. Planning Application No. 23/02734/FUL - Land at the junction of Scarsdale Road and Derbyshire Lane, and land opposite 105 - The Cross Scythes, 145 Derbyshire Lane, Sheffield, S8 8TF** (Pages 15 - 36)
 - 7b. Application No. 23/02023/FUL - Nook Lane Junior School, Nook Lane, Sheffield, S6 6BN** (Pages 37 - 46)
 - 7c. Planning Application No. 23/00777/FUL - Within the curtilage of KFC, 236 Queens Road, Highfield, Sheffield, S2 4DL** (Pages 47 - 66)
 - 7d. Planning Application No. 22/02691/FUL - 51-57 High Street and ground and first floor of 59-73 High Street, City Centre, Sheffield, S1 2GD** (Pages 67 - 118)
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 119 - 132)
Report of the Head of Planning.
- 9. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 6th February 2024 at 2pm.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its 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 7 November 2023

PRESENT: Councillors Alan Woodcock (Joint Chair), Glynis Chapman, Roger Davison, Tony Downing, Bernard Little, Barbara Masters, Laura Moynahan, Iby Ullah, Cliff Woodcraft and Tony Damms (Substitute Member)

1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Mike Chaplin and Garry Weatherall.
- 1.2 Councillor Tony Damms Acted as substitute for Councillor Weatherall.

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 10th October 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. PROPOSAL TO DIVERT PART OF FOOTPATH SHE/565 AT BRUNSWICK SCHOOL, LINKING BRIDBY STREET AND STATION ROAD, WOODHOUSE S13

6.1 Mark Reeder (Technical Officer) attended the meeting and presented the report.

6.2 The Highway Authority had received an application from the City Council's Education Department requesting a diversion of footpath SHE/565. The footpath currently runs directly through the school grounds and separates the main school from the sports facilities.

6.3 No objections had been received from the statutory undertakers, emergency services and other relevant bodies. Public consultation would be carried out once the Order was made.

6.4 **RESOLVED:** that

1. No objections be raised to the proposed diversion of part of definitive public footpath SHE/565, as shown on the plan at Appendix A to the report, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected; and
2. Authority be given to the General Counsel to:
 - a. Take all necessary action to divert the footpath under the powers contained within Section 119 of the Highways Act 1980; and
 - b. Confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7a. PLANNING APPLICATION NO. 23/01960/FUL - PARK HILL ESTATE, DUKE STREET, PARK HILL, SHEFFIELD, S2 5RQ

7a.1 This application was presented in conjunction with the following application (23/01961/LBC).

7a.2 Additional representations along with the officer response were included within the Supplementary Report which was circulated at the meeting.

7a.3 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.

- 7a.4 Dave Watkin attended the meeting and spoke against the applications.
- 7a.5 Steve Thomas attended the meeting and spoke in support of the applications.
- 7a.6 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also having regard to representations made at the meeting.
- 7a.7 **RESOLVED:-** That an application for approval of planning permission be GRANTED, conditionally subject to legal agreement, for the reasons set out in the report and supplementary report, now submitted, for the 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) at Park Hill Estate, Duke Street, Park Hill, Sheffield, S2 5RQ (Application No. 23/01960/FUL).

7b. PLANNING APPLICATION NO. 23/01961/LBC - PARK HILL ESTATE, DUKE STREET, PARK HILL, SHEFFIELD, S2 5RQ

- 7b.1 This application was presented in conjunction with the previous application.
- 7b.2 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also having regard to representations made at the meeting.
- 7b.3 **RESOLVED:-** That an application for approval of listed building consent be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for the 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) at Park Hill Estate, Duke Street, Park Hill, Sheffield, S2 5RQ (Application No. 23/01961/LBC).

7c. PLANNING APPLICATION NO. 23/02687/FUL - SITE OF 340 LYDGATE LANE, SHEFFIELD, S10 5FU

- 7c.1 An additional representation, along with the officer response and an additional condition were included within the Supplementary Report which was circulated and summarised at the meeting.
- 7c.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.

- 7c.3 Adam Bacon attended the meeting and spoke against the application.
- 7c.4 Alasdair Struthers attended the meeting and spoke in support of the application.
- 7c.5 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also having regard to representations made at the meeting.
- 7c.6 **RESOLVED:-** That an application for approval of planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for the erection of a three/four-storey building to form 7x apartments with associated landscaping, car parking, bike storage and refuse storage at the site Of 340 Lydgate Lane, Sheffield, S10 5FU (Application no. 23/02687/FUL).

7d. PLANNING APPLICATION NO. 23/00334/FUL - THE SPORTSMAN, 156 DARNALL ROAD, SHEFFIELD, S9 5AD

- 7d.1 An additional consultation response, 2 further conditions and a report clarification were included within the Supplementary Report which was circulated and summarised at the meeting.
- 7d.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.
- 7d.3 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted.
- 7d.4 **RESOLVED:-** That an application for approval of planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for the 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) at The Sportsman, 156 Darnall Road, Sheffield, S9 5AD (Application No. 23/00334/FUL).

8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 8.1 The Committee received and noted a report of the Chief Planning Officer detailing planning appeals received, dismissed and allowed by the Secretary of State.
- 8.2 Members asked why one appeal for off road parking had been disallowed when the appeal for off road parking for a property next door had been allowed. The Planning Officer explained that different Planning Inspectors often had different views.

9. DATE OF NEXT MEETING

- 9.1 The next meeting of the Planning and Highways Committee would be held on Tuesday 5th December 2023 at 2pm. In the Town Hall.

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Case Number	23/02734/FUL (Formerly PP-12297306)
Application Type	Full Planning Application
Proposal	Erection of 7 dwellinghouses with associated parking and landscaping
Location	Land at the junction of Scarsdale Road and Derbyshire Lane and land opposite 105 - The Cross Scythes, 145 Derbyshire Lane Sheffield S8 8TF
Date Received	25/08/2023
Team	South
Applicant/Agent	Sustainable Shell Homes 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.

Drawing no. SSHMb 650A Site plan as existing + topographic survey (insofar as it provides Site Location Plan)

Drawing no. SSHMb 660J Site plan as proposed

Drawing no. SSHMb 670A Plot 1 - Plans + typical sections

Drawing no. SSHMb 671B Plot 1 - Elevations

Drawing no. SSHMb 672A Plot 2 - Plans + typical sections

Drawing no. SSHMb 673B Plot 2 - Elevations

Drawing no. SSHMb 674A Plot 3 - Plans + typical sections

Drawing no. SSHMb 675B Plot 3 - Elevations

Drawing no. SSHMb 676C Plot 4 - Plans + typical sections

Drawing no. Drawing no. SSHMb 677A Plot 4 - Plans + typical sections 2

Drawing no. SSHMb 678B Plot 4 - Elevations

Drawing no. SSHMb 679B Plot 4 - Elevations 2

Drawing no. SSHMb 680D Plot 5 - Plans + typical sections

Drawing no. SSHMb 681B Plot 5 - Plans + typical sections 2

Drawing no. SSHMb 682B Plot 5 - Elevations

Drawing no. SSHMb 683B Plot 5 - Elevations 2

Drawing no. SSHMb 684C Plot 6 - Plans + typical sections
Drawing no. SSHMb 685C Plot 6 - Elevations
Drawing no. SSHMb 686C Plot 7 - Plans + typical sections
Drawing no. SSHMb 687C Plot 7 - Elevations
Drawing no. SSHMb 688E Tree + ecology zoning plan
Drawing no. SSHMb 691A Boundary Conditions
Drawing no. SSHMb 694A Visibility splays + gradients
Drawing no. 577-001 P02 Landscape Plan

all published 13 December 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 details of the access arrangements for vehicles associated with construction, site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, and wheel cleaning arrangements, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such arrangements and areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

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

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

5. No development shall commence until 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.

6. 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.

7. 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.

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

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

9. No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

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

10. Prior to the commencement of the development hereby permitted, the findings of a full site walkover survey, carried out by a suitably qualified person, shall be submitted to the Local Planning Authority for their approval. The walkover will identify whether there is any japanese knotweed present on the site and, if japanese knotweed is identified by this survey, these findings shall include a method statement for how this invasive

species will be suitably removed from the site with a timed programme for implementing this. If knotweed is identified, the approved method statement shall be implemented in full.

Reason: In the interest of avoiding the proliferation of invasive species.

11. Unless it can be shown not to be feasible or viable no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

12. No development (including demolition or other enabling, engineering or preparatory works) shall take place until a phasing plan for all works associated with the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing plan.

Reason: In order to define the permission and to assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy.

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

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

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

14. Notwithstanding the approved plans, the timber hit and miss fencing between each plot is not approved. Details of a suitable means of site boundary treatment between each plot, and a programme of works for alterations and repairs to the wall along Derbyshire Lane, shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, and the dwellings shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

15. The proposed green/biodiverse roof(s) (vegetated roof surface) shall be installed on the roof(s) in the locations shown on the approved plans prior to the use of the buildings commencing. Full details of the green/biodiverse roof construction and specification, together with a maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site and unless otherwise agreed in writing shall include a substrate growing medium of 80mm minimum depth incorporating 5-20% organic material. The plant sward shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

16. 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.

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

Windows
Metal cladding detailing
External doors
Rainwater goods
Entrance canopies
External stairs to terraces
Balustrades

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

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

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

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

19. 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.

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

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

21. The dwellings shall not be used unless the car parking accommodation and turning space which serves that dwelling as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation and turning space 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.

22. The dwellings shall not be used unless the car parking areas of the site are constructed of permeable/porous surfacing. 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

23. The development shall not be used unless the dedicated bin storage area as shown on the approved plans has been provided in accordance with those plans. Thereafter the bin storage area shall be retained and used for its intended purpose and bins shall not be stored on the highway at any time (other than on bin collection days).

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

24. The proposed green wall system shall be installed on the walls in the locations shown on the approved plans prior to the use of the buildings commencing. Full details of the green wall construction and specification, together with a maintenance schedule, shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green walls shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

Other Compliance Conditions

25. 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.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted

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

Reason: In the interests of the landscape and visual impact of the development, the amenities of occupiers of adjoining property, and protected trees, bearing in mind the restricted size of the curtilage and the visibility of the site from the west.

Attention is Drawn to the Following Directives:

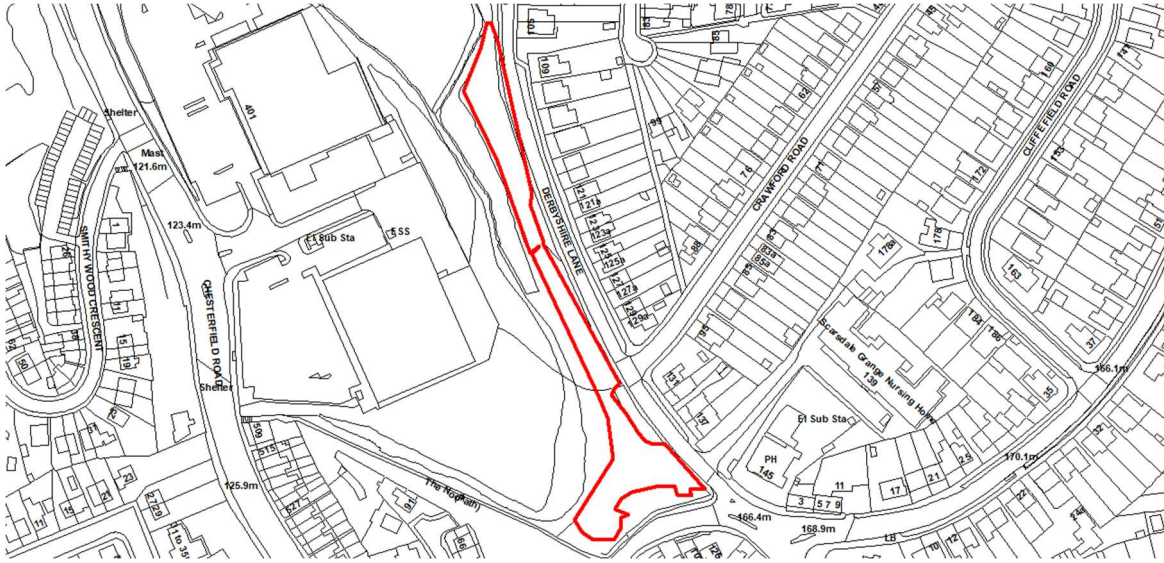
1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that noise and vibration from demolition 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.
3. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

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

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

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

Site Location



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The new National Planning Policy Framework (NPPF) was published on the 19th December 2023 with insufficient time for the revisions to the NPPF to be incorporated into this report. The changes are however relatively limited and a decision will be made in due course whether to defer this matter to enable a new report to be provided at a future committee or whether a supplementary report can be prepared for Members and circulated in advance of the January meeting identifying any important changes that would need to be taken into account in determination of the application.

LOCATION AND PROPOSAL

The application site is a strip of land between Derbyshire Lane and the edge of a previously worked quarry face in the Meersbrook/Woodseats area of the city. The strip extends approximately 225m north to south opposite numbers 109 to 137 Derbyshire Lane, and then curves round the quarry edge westwards. A band of unmanaged woodland wraps around the southern end of the site, along Derbyshire Lane to the east and Scarsdale Road to the south. The quarry face to the west is very steep and approximately 30-40m in height. At the foot of the quarry face is a retail park containing three large units, and associated parking and landscaping, which is accessed from Chesterfield Road. The landform results in views of the site on the skyline from Chesterfield Road, as well as long range views from the facing valley side.

The topography of the area around the application site rises from north to south, with the southern end of the site approximately 12.5m higher than the northern end.

There are also localised landform variations which result in the northern end of the site elevated approximately 2m above Derbyshire Lane, and this difference reduces southwards with the southern end of the site being roughly level with Derbyshire Lane.

The site currently has no formal use and does not contain any built development. Prior to the quarrying activity which has resulted in the current landform, the land extended much further westwards and there were two large dwellings and several smaller dwellings on the site. It is understood these were demolished in the 1950s and 1960s. A stone boundary wall with gate posts remains along the Derbyshire Lane boundary of the site, although its condition varies, and a palisade fence defines the west boundary preventing access to the quarry edge beyond. The site contains a patchwork of habitats including unmanaged species poor grassland, tree and scrub cover, bare ground and broadleaf woodland. There are number of individual trees on the site which are subject to Tree Preservation Orders (TPO), and the band of woodland to the south is subject to a group TPO.

It is proposed to erect seven detached dwellinghouses on the site, along with the associated parking and landscaping. Their appearance would be contemporary, and whilst most dwellings would be unique they would share a common architectural language with similar forms and a consistent material palette.

Plots 1 and 2 would sit side by side at the southern end of the site, with plot 3 some 20m north, all sharing an access point and driveway, and facing toward a shared courtyard parking area with amenity space to their rears. Each would be modest in size, contain three bedrooms, and be similar in scale and appearance presenting as three storey from the front elevation facing towards the parking area, with a dual pitch roof sloping to see the rear elevation presenting as two storey. The material palette would comprise mostly light render, with ash cladding and metal cladding as secondary

materials, grey aluminium windows and rear doors, and composite front doors. The roofs would be artificial slate with roof lights and integrated solar panels.

These plots would sit behind the band of woodland which wraps around this end of the site and be largely screened from Derbyshire Lane and Scarsdale Road.

Plots 4, 5, 6 and 7 would be located at generous 10m - 20m intervals along the remainder of the site, each with their own driveway and parking spaces to one side and their amenity space to the other side. Plots 4 and 5 are to contain four bedrooms, and plots 6 and 7 are to contain three bedrooms.

Plot 4 would be one and two storey, with a shallow single pitch roof over the two storey element, the roof slope facing eastwards towards Derbyshire Lane, and a flat roof over the single storey element providing a large terrace. Plot 5 would be one and three storey, again with a shallow single pitch roof over the taller element but with the slope facing northwards, and flat roof providing a terrace over the single storey element. Plots 4 and 5 would have light render as the primary material, with metal cladding, stone, timber cladding and red brick as secondary materials and glazed balustrades on terraces. Plot 6 and 7 would be two storey with shallow dual pitch roofs oriented with the roof slopes facing Derbyshire Lane and the quarry, and be mostly render with red brick, metal cladding and timber cladding as secondary materials. Windows and rear doors on all plots would be grey aluminium and all front doors would be composite. The roofs on all plots would be a combination of green roof and artificial slate with integrated solar panels and roof lights.

The application is supported by a detailed landscaping scheme which shows most TPO trees either being retained or replaced. Block paving is proposed for driveway and access points. The palisade fence along the quarry edge is proposed to be replaced with a 1.5m black vertical bar fence, and hedgerows and fencing are proposed to define each plot's curtilage. The stone boundary wall along the Derbyshire Lane frontage is proposed to be retained except where openings are required for driveways, and any areas which contain gaps or are in poor repair would be replaced with new or repaired stone walling. The gates posts associated with the now demolished large dwellings on the site are to be retained.

Biodiversity enhancement measures are proposed within the site and the woodland to the south including the new hedgerows, bat and bird boxes, and management of the retained habitats. The application also proposes a suite of precautionary and good practice methods to mitigate the impact of the construction process itself of biodiversity value at the site.

RELEVANT PLANNING HISTORY

This application is Phase 2 of a wider scheme. Phase 1 was the erection of 7 dwellinghouses with associated parking and landscaping on land which adjoins the application site to the north, and extends across Meersbrook Avenue, Newsham Road and Woodbank Crescent, which was granted planning permission under reference 21/03006/FUL in September 2021 and is currently under construction; it is understood that one of the dwellings is now occupied (or will be imminently).

Pre-application advice was sought in relation to the wider scheme in early 2021, with the response focussing on phase 1 (21/00416/PREAPP).

Pre-application advice was then sought in relation to phase 2 in early 2023, however owing to an administrative misunderstanding, the registration and allocation process was not completed, and no advice was provided.

REPRESENTATIONS

This planning application was publicised by way of 59 neighbour notification letters and site notices. There were two rounds of consultation as the application site address was changed to improve its accuracy.

At the time of writing this report, a total of 24 representations have been received comprising four support, one neutral, and 18 objections from 15 unique addresses. Most are from local residents however one supportive representation is from Norwich.

Those in support of the application, and the positive aspects of the neutral representation, highlight the following:

- Energy efficient and sustainable building
- Good design: modern, sleek, 'keeping up with the times', smart
- Assessment work addresses concerns about stability
- Layout is considered in terms of ecology and green space
- Use of unsightly brownfield land
- Provision of housing
- Socio-economic benefits for wider area
- Sufficient parking

Those objecting to the application, and the negative aspects of the neutral representation, raise concerns about:

Existing site

- Lack of justification for developing this site
- There are no flytipping issues
- Presence of Japanese knotweed on the site not acknowledged

Socio-economic issues

- Not affordable housing
- NPPF support for self-build relates to affordability, but these houses would not be affordable
- Lack of proof of socio-economic benefits

Proximity to quarry and land stability

- Dangers due to proximity to quarry edge and narrow site
- Alternative boundary fence would be less safe
- Undesirable place to live
- Insufficient geotechnical investigations supporting the application
- Existing land stability issues due to eroding quarry face
- The development worsening land stability due to disturbance and drainage
- Longevity of homes due to land instability

Highways and related matters

- Accessibility of site for construction activities
- Usability of sloping driveways
- Highway safety impact

- Increase in traffic on narrow, busy 'rat run' route, with existing highway safety issues
- Increase in pollution

Landscape, trees and biodiversity

- Impact of wildlife and habitats on site
- Environmental impact not outweighed by small number of houses
- Biodiversity enhancements are inadequate
- Impact of domestic activity on retained habitats
- Loss of trees
- Loss of open green space
- Replacement trees and landscaping will take years to mature
- Landscape impact from west (Chesterfield Road view)

Design and visual impact

- Design does not fit well with surrounding architecture in terms of design and height

Amenity of neighbours

- Loss of privacy for properties across Derbyshire Lane, including from terraces
- Overshadowing properties across Derbyshire Lane
- Impact of headlights from cars on drives
- Wind tunnelling effect and flying debris
- Noise disturbance

Other matters

- Surface water run-off effect
- New openings in boundary wall and removed stone not being utilised on site
- Gate posts being removed and loss of local history [applicant subsequently clarified they were to be retained]
- Lack/adequacy of pre-application consultation
- Lack of consideration of a grave within site

Some matters raised in representations in support and in objection to the application are not material to the planning process, including:

- Impact on existing properties' views
- Applicant's other developments
- Previous landowner and applicants' behaviour
- Amenity and pollution impact of construction phase [controlled by other regimes]
- Changes made to plot 4 during determination indicate lack of thorough preparation prior to submission [changes were to address Yorkshire Water objection]
- Redaction of ecology report [redacted due to references to protected species etc., but was available for relevant consultees]

Some representations raised concerns around the description of the site's location that appeared in early consultation documents, which as above was then addressed by the re-consultation process.

PLANNING ASSESSMENT

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan comprises the Core Strategy, which was adopted in 2009, and the saved policies of the Unitary Development Plan (UDP), which was adopted in 1998. The National Planning Policy Framework (NPPF) is a material consideration.

Paragraph 11 of the NPPF provides that when making decisions, a presumption in favour of sustainable development should be applied, with part d) directing that where the policies that are most important for determining the application are out of date, planning permission should be granted unless:

- The application of policies in the NPPF which relate to protection of certain areas or assets of particular importance provide a clear reason for refusal; or
- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In this case, policies relating to the provision of housing are considered out-of-date because Sheffield cannot currently demonstrate a five year housing land supply, and the development would not impact on any important protected assets or areas, so the second part of paragraph 11d), the so-called 'tilted balance', is engaged and this is a material consideration.

Set against this context, the following assessment will:

- Assess the proposals compliance against existing development plan policies as this is the starting point for the decision-making process.
- Consider the degree of consistency these policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Apply 'the tilted balance' test, including consideration of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Principle of the Development

The application site is located within a Housing Area as designated by the Proposals Maps which accompany the UDP, and policy H10 (Development in Housing Areas) offers a preference to housing development in housing areas. Policy CS23 (Locations for New Housing) states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure, with a focus on the main urban area of the city. Policy CS24 (Maximising the Use of Previously Developed Land for New Housing) prioritises the development of previously developed sites, and provides an upper limit of 12% of completions on greenfield sites provided they meet certain criteria which includes small sites within existing urban areas where it can be justified on sustainability grounds. Policy CS26 (Efficient Use of Housing Land and Accessibility) balances the efficient use of land with character of different areas, and looks to achieve between 30 and 50 dwellings per hectare in urban areas but accepts densities outside these ranges where they achieve good design, reflect the character of an area or protect a sensitive area.

Policy CS23 and CS24 are restrictive policies, however the broad principle is reflected in the thrust Chapter 11 of the NPPF which promotes the effective use of land and supports the use of previously-developed land.

The site is located within a designated Housing Area, is sustainably located and is a small site within an urban area. The site constitutes a greenfield site, given previous built development has been wholly removed and blended back into the landscape, and completions on greenfield sites are at between 6% and 7%, well below the 12% figure within the policy.

Whilst the regeneration of brownfield land is encouraged, and representations made in objection to the application question the lack of justification for developing a greenfield site, there is no policy requirement for a brownfield land first approach or for greenfield sites to be expressly justified, provided the 12% limit is not exceeded.

Representations have opposing views about whether this portion of land is currently unsightly and attracts fly tipping, and during officer site visits there was no obvious sign of fly tipping or other unsightly activities; in any case, there is not a strong policy requirement for development on sites in need of regeneration to be prioritised (although it is encouraged), so this is not considered to be a barrier to developing this site. Concerns are also raised about the loss of open space, however due to a lack of public access for recreation this land would not meet the National Planning Policy Framework (NPPF) definition of open space therefore it does not benefit from the related protections.

For these reasons, the principle of housing development on this land is considered consistent with the aims of policies H10, CS23 and CS24.

The provision of 7 dwellings on this 0.31 hectare site represents a density of 22.4 dwellings per hectare, considerably below the 30-50 sought by policy CS26 in urban areas. Whilst the long rear gardens of the dwellings on the other side of Derbyshire Lane result in a density of around 30 dwellings per hectare, within the street scene the prevailing character of the locality appears more dense with little spacing between pairs of semi-detached dwellings. In this context, the density of the proposal is not considered to be reflective of the character of the area although it is acknowledged that the presence of a number of protected trees on the site, which are well considered in the layout, has an impact on the site's capacity, and the spread of the build form from across the site is acceptable in design terms. Despite these factors, on balance there does remain degree on conflict with policy CS26 and this is a negative aspect of the proposal.

Design, Character and Appearance

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

These policies are considered to be largely in line with the NPPF, which considers good design a key aspect of sustainable development. Paragraph 134 affords significant weight to outstanding or innovative designs which promote high levels of sustainability.

Whilst the introduction of modern built form onto the application site would undoubtedly change the character of this stretch of Derbyshire Lane, given it is currently undeveloped green space, a benefit of the fairly low density of the proposal is the generous spacing between plots would somewhat limit its impact, and see the verdant character of the site partially retained. The buildings are domestic in their scale and as such are appropriate in this housing area. The contemporary house designs and modern detailing is intrinsically linked with the sustainable construction methods that will be employed, and whilst they are not particularly reflective of the character of locality, the material palette will provide some grounding to the scheme and this has been improved through negotiation during the determination of the application i.e. with the use of more red brick. A positive aspect of the scheme is the retention and repair of the characterful stone walling along the Derbyshire Lane boundary, and the retention of the gate posts which are associated with the large dwellings on the site prior to quarrying, which are welcomed. The inclusion of sufficient space for bin storage within the driveway areas is welcomed and should prevent wheelie bins being left on or near the public highway causing unsightly clutter.

The driveways to access the properties are fairly steep with a gradient of up to 1:15. Whilst this is slightly less than ideal, as this is a constrained and narrow site which is working with the existing topography, and there are no obvious solutions to overcome this, this is still acceptable in planning terms.

Six of the seven dwellings would be visible from Chesterfield Road and in long range views to the west, and the light coloured, contemporary form would be a quite prominent feature along the quarry edge; this is evident from the visibility of the houses being built out in phase 1. Whilst this would be a change in character from the currently undeveloped strip of land, given the retail units in the foreground of these views, and the urban setting of the site, built form along this bank is not considered to be an inappropriate addition.

Overall, the design and appearance of the development, and its impact on local character, is compliant with relevant policies, with further support from the NPPF's position on sustainable design. Conditions can be imposed to seek approval of details to ensure the scheme is well executed and high quality.

Residential Amenity

Policy H14 requires that new development in housing areas should not cause harm to the amenities of existing residents, and this is supported by Supplementary Planning Guidance 'Designing House Extensions' which, whilst not strictly relevant to new houses, is instructive in terms of good practice guidelines and principles for new build structures and their relationship to existing houses. The NPPF at paragraph 130 requires a high standard of amenity for existing and future users. The adopted policy is therefore considered to align with the requirement of paragraph 130 so should be given significant weight.

Prospective Occupiers

All seven dwellings would provide a good standard of living for prospective occupiers, with adequate indoor space, natural light, ventilation, and outlook; plots 4 and 5 in particular would be generously sized. Due to separation distances, landscaping and considered window siting, there are no privacy concerns arising from the relationships

between each plot.

Each plot would benefit from good sized private amenity space, and due to considered window siting on the side elevations of the neighbouring dwellings, and with appropriate landscaping, the side gardens of plots 4 – 7 would not be unduly overlooked and offer an acceptable level of privacy. Whilst the site layout does mean that the rear garden of plot 2 would be shaded for most of the day by the protected trees to the south and west, and occupants would not benefit from the same attractive views to the west that the other plots would have, the dwelling would nonetheless provide acceptable living conditions in its proposed form and position.

Concerns have been raised about the appropriateness of siting residential dwellings close to a quarry edge, however officers consider that living close the quarry edge is a choice for potential future occupants to make, and the proximity of the steep slope should not sterilise the land from development. It is also a consideration that the introduction of dwellings along this stretch of land would limit public access and provide natural surveillance to the edge of the quarry, potentially offering betterment in terms of public safety given that access to the site is currently uncontrolled due to a lack of boundary treatment on the Derbyshire Lane side.

Neighbouring Occupiers

Due to the domestic scale of the proposed dwellings, the width of Derbyshire Lane, and taking account of how set back the dwellings on the other side are from the highway, there would be no concerns about overshadowing or overbearing with separation distances in excess of 20m between the facing front elevations.

Given this is a residential area already, the number of new dwellings would be low and they would be well spread out, there are no concerns about the noise disturbance associated with the occupation of the development. Similarly, the impact of headlights from prospective occupants reversing onto their driveways is not a concern given the intervening distance and public highway between the driveways and facing dwellings, and the likelihood that any disturbance would occur infrequently and for a very short period.

Concerns have been raised about the loss of privacy for neighbouring occupiers, particularly due to the introduction of terraces, and second and third storey windows, however given the intervening space is public highway the front windows and gardens of Derbyshire Lane dwellings are not afforded the same level of protection as their rear windows and gardens, and the relationship between the facing dwellings would not be unusual for an urban area.

Although concerns around loss of views for neighbouring occupiers is not a material planning consideration, impact on outlook is relevant and it is considered that the introduction of new built form more than 20m away from windows would not have an unacceptable impact on outlook.

For these reasons, the proposal is considered compliant with policies which protect residential amenity.

Landscape and Trees

Policy GE15 (Trees and Woodlands) states that trees and woodlands will be encouraged and protected, and policy BE6 (Landscape Design) expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation. CS74 requires high-quality development that will respect, take advantage of and enhance natural features of the City's neighbourhoods.

These policies are considered to align with the NPPF and therefore be relevant to this assessment on the basis that paragraph 130 expects appropriate and effective landscaping.

There are a number of trees on the site subject to individual and group TPOs, and a full survey has been conducted and submitted. The layout of the scheme has been informed by the siting and health of the trees on site. The applicant has liaised directly with SCC's Landscape Architect during the determination of the application to further develop the landscaping scheme which sees high value and healthy TPO trees retained, and unhealthy specimens (e.g. with ash dieback) replaced with suitable alternatives. The use of extra heavy standard specimens will ensure that time to maturation is as short as possible without compromising the future health of the trees. The landscape plan was amended slightly to satisfactorily address concerns from Yorkshire Water about the proximity of planting to a public sewer.

The proposed hedgerow planting between plots, and other boundary treatments, are well considered, and the hard surfacing within the site for driveways and patios is suitable and restrained to ensure the site does not appear overengineered. Green roofs are a welcome addition in landscape terms, especially given the effect they can have of softening long range views, as well as offering biodiversity and blue infrastructure benefits.

With conditions to refine the details of the hard and soft elements of the landscaping scheme (including the boundary treatments), review and approve the methods that will be used to protect retained trees, and ensure the landscaping is delivered in full in a timely fashion, the proposal is considered compliant with policies relating to landscaping and trees.

Biodiversity

Policy GE11 (Nature Conservation and Development) requires the design, siting and landscaping of development to respect and promote nature consideration and mitigate harmful effects of the development on nature, which aligns fairly well with the NPPF although the Framework focuses on securing net gains.

The application is supported by a good standard of ecological assessment work which clarifies that there are no ecological constraints which would prevent development coming forward on the site. SCC's ecologist has highlighted the ecological benefits of the well-spaced layout of the built form in this case. The applicant proposes a range of ecological enhancement measures within the application site and on the adjacent land under their control, including bat and bird boxes, green roofs, the management of existing habitats, and well considered new planting within the landscaping scheme. Despite officer requests, the applicant has been reluctant to use the DEFRA Metric to measure biodiversity net gain at the site and has provided their own methodology to demonstrate the scheme would result in an enhancement to biodiversity on site. This is

not ideal given the DEFRA metric is considered best practice and the legal requirement to use it is forthcoming, and it allows a consistent approach to development of similar scales - in this case the small sites metric would be relevant as the development is for between 1 and 10 dwellings.

On balance, and following engagement with the Council's Ecologist, it is considered likely that the net gain can be delivered on site, and therefore the development would be compliant with the relevant policies. A condition will be required to approve the details of the ecological enhancement measures, secure their implementation, and ensure best practice methods are followed.

Some representations raise concerns about the presence of Japanese knotweed on the site, but this was not identified in any of the submitted assessment work. A precautionary condition can be imposed to require a walkover survey of the site and, if necessary, a management plan to be approved and implemented. Representations also raise concerns about the impact of the prospective occupants on the retained and enhanced habitats, however given this is already an urban area this is not a concern.

Sustainability

Policy CS64 (Climate Change, Resources and Sustainable Design of Development) requires all developments to reduce emissions and function in a changing climate, with policy CS65 (Renewable Energy and Carbon Reduction) requiring all significant developments (more than five dwellings) to incorporate decentralised, renewable or low carbon energy, and minimise energy demand. These policies reflect the importance placed on sustainability in the NPPF.

This site is sustainable located within the main urban area and accessible by the public transport network. The application sets out how the construction of the dwellings would employ a fabric first development to ensure the dwellings are materially and thermal efficient, and solar panels would be installed on all dwellings. Relevant conditions can be imposed to ensure that these features are provided and the specific policy requirements are met. Overall, it is considered that the proposal meets the local policy requirements and the NPPF.

Land Quality and Stability

The NPPF sets out its position on ground conditions and pollution at paragraphs 183 and 184. It requires planning decisions to ensure a site is suitable for its proposed use, requires the submission of adequate site investigation information, and clarifies that the responsibility rests on the developer and/or landowner to secure a safe development.

A number of representations raise concerns about land stability and the suitability of this site for housing. This application is supported by a Land Stability Assessment Report and subsequent addendum which sets out how the plot locations have been informed by these investigations and the suitably qualified authors conclude that they are satisfied about long term stability. Whilst it is undoubtedly an unusual housing site in terms of the proximity of the quarry edge, based on the submitted assessment work this is not a barrier to the development coming forward in planning terms.

Some information was submitted in relation to the contamination potential of the site, however owing to the age of the assessment work EPS officers consider it prudent to

impose the full suite of contamination conditions to ensure modern standards on ground conditions are met.

Highways, Access and Parking

Whilst there would be some increase in vehicular activity associated with seven new dwellings, in the context of an established residential areas this would not be material and does not necessitate any additional assessment work in terms of highway impact or pollution.

Policy H14 looks for sufficient off-street parking for new residential development, and the Car Parking Guidelines suggest 2 spaces per 3 bed dwelling, 2-3 spaces per 4 or 5 bed dwelling, and 1 visitor space per 4 dwellings. The NPPF focuses on promoting the use of active and public transport, with paragraph 111 directing that development should only be 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.

All dwellings would be provided with adequate off street parking with ample driveways for plots 4-7 and provision for specific residents spaces and a visitor space for plots 1-3. Drawings have been provided which demonstrating that the gradients of driveways are suitable and that adequate site lines can be achieved for a 30mph road, and tracking shows that the shared driveway for plots 1-3 and plot 4's spaces which are parallel with the road can be accessed and egressed in a forward gear. The provision and retention of these parking spaces can be secured by condition. Plans show that cycle storage could be accommodated near to each dwelling, and whilst this is not particularly generous it is considered sufficient, and details of its siting and appearance can be secured by conditions.

Representations raised concerns about the highway impact on construction traffic, which is a valid concern given the residential setting and lack of an obvious location for stopping and unloading, particularly as the LPA cannot insist that the phase 1 development's existing construction facilities are shared. Conditions can be imposed to seek details on site accommodation and construction access and unloading arrangements to ensure these are acceptable and implemented.

On that basis, the development is considered acceptable in highways terms.

Flood Risk and Drainage

Policy CS67 (Flood Risk Management) looks to reduce the extent and impact of flooding by ensuring all developments significantly limit surface water run-off, and the NPPF at paragraph 167 requires decision makers to ensure developments do not lead to an increase in flood risk. The site is not located in an area at risk of flooding. SCC's Land Drainage team have reviewed the submission and are satisfied that the site is suitable for sustainable urban drainage and that details can be secured by condition. The development would therefore comply with this policy.
Community Infrastructure Levy (CIL)

CIL applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places,

open space etc. In this instance the proposal falls within CIL Charging Zone 4. Within this zone there is a CIL charge of £50 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010. The applicant is seeking the option of individual dwellings within this development to come forward as individual self-build plots which means those dwellings would be exempt from CIL. The CIL self-build exemption can be claimed by anybody who is building or commissioning the construction of their own home provided they meet certain restrictions. A condition can be imposed to facilitate this.

Response to Representations

The majority of comments have either been addressed directly or indirectly within the above sections of planning assessment.

Concerns were raised about affordability, however at 7 dwellings (a total of 14 across phase 1 and 2) the scheme is below the policy threshold of 15 dwellings for affordable housing therefore the affordability of the dwellings is not relevant.

Concerns were raised about the impact the development would have on wind given its location on the exposed top of a south westerly facing quarry face. It is very unusual to consider wind on planning applications unless they are for tall buildings, and in this case owing to the spacing between the dwellings and their low profile scale, wind funnelling is not considered to be a concern. Other regulatory regimes (i.e. Building Control) would ensure the construction methods are suitable in an exposed location.

A small number of representations refer to a grave located on the site, however there is no evidence this land has ever been used for burials, and given it was previously developed for housing it is highly unlikely that there is any archaeological interest on the site. As such, no further assessment work is required.

Some representations question whether sufficient pre-application consultation was carried out, and whether this was accurately presented in the planning application submission. Whilst pre-application consultation is welcomed and encouraged, it is not a policy requirement and the applicant's account of carrying it out has not weighed in favour or against the scheme.

CONCLUSION AND RECOMMENDATION

The proposed development is largely compliant with relevant development plan policies; there is some conflict relating to the low density of the scheme, however the landscape and biodiversity benefits of the generous spacing within the development outweigh this.

In the context of Sheffield's lack of housing land supply, and in the absence of any unacceptable impact on protected assets or areas, the NPPF's paragraph 11 is a weighty material consideration which directs that the development should be granted planning permission unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

The development would deliver a number of benefits including the delivery of housing, with seven dwellings making a limited but nonetheless welcome contribution to meeting

the current shortfall, and economic benefits through expenditure in construction, in the supply chain, and in local spending from residents. It would deliver a small net gain in biodiversity and incorporates a number of welcome sustainability measures which exceed policy requirements. There would be some marginal adverse impacts relating to the low density of the scheme not making best use of land, and the potential prominence of the housing in medium and some long range views, however, the benefits would far exceed the adverse effects.

It is therefore recommended that planning permission is granted subject to conditions.

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Case Number	23/02023/FUL (Formerly PP-12231854)
Application Type	Full Planning Application
Proposal	Erection of a 2.4m high perimeter fence
Location	Nook Lane Junior School Nook Lane Sheffield S6 6BN
Date Received	22/06/2023
Team	North
Applicant/Agent	MAC Construction Consultants
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.

Drawing No. P-02- rev A- proposed plans published 22.06.2023
Drawing No. P_00- site location plan published 22.06.2023

Reason: In order to define the permission.

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

3. Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2012: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

Tree constraints plan (TCP)
Tree protection plan (TPP)
Arboricultural impact assessment (AIA)

Arboricultural method statement (AMS)

No development or other operations shall take place except in complete accordance with the approved methodologies.

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

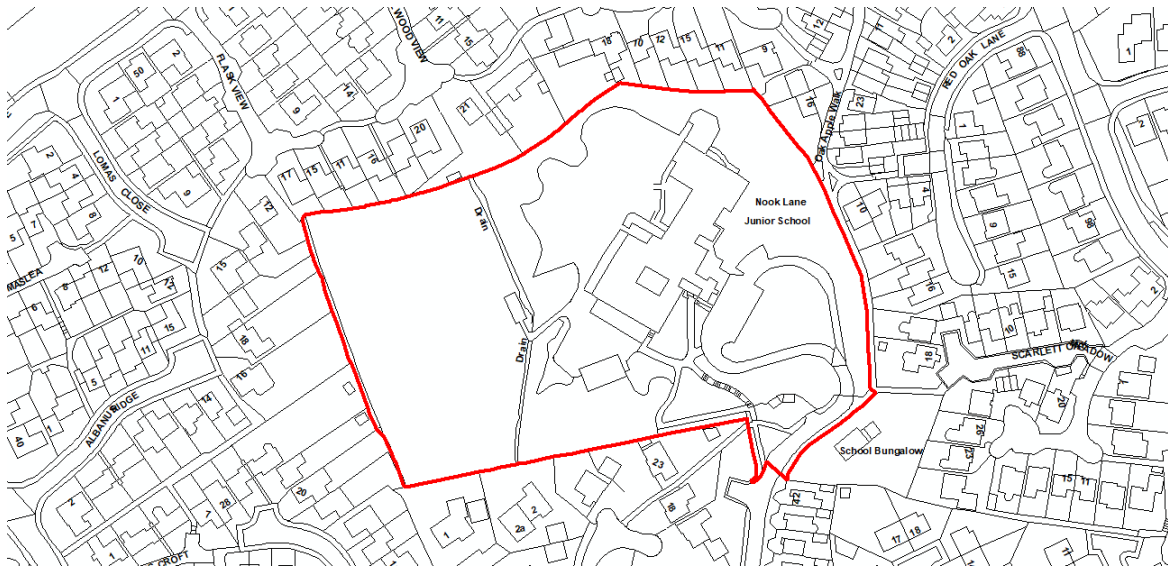
Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

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.
2. The agent is advised that in order to minimise the impacts of construction generally, the following is advised to be taken into consideration upon the implementation of Arboricultural Impact Assessment:
 - Holes for fence posts and foundations should be used using hand dig construction only.
 - The existing hedge should be retained as far as possible. In the case where any section of hedge needs to be removed, proposals for replacement planting should be put forward for approval.
 - To prevent the case of a clash occurring between a tree and a fence post, a flexible fence system with varying lengths of fence panels should be used. Fence posts should be positioned as far away as possible from the base of the tree, and preferably outside of the Root Protection Area.
 - All works to be done in accordance with BS 5837 (Trees in relation to design, demolition and construction).

Site Location



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LOCATION AND PROPOSAL

The site is located within the Stannington district of North West Sheffield. Nook Lane Junior School is situated off Nook Lane and nestled within the Acorn Drive housing estate.

Planning permission is being sought for the erection of a 2.4m high perimeter fence which would enclose the perimeter of the school grounds.

The school currently has a 2.4m green weldmesh fence to the front main entrance. A timber fence and dense vegetation encloses most of the remainder of the school grounds at the present time. It is worth noting that there is also 2.4m high green weldmesh fence within the school grounds and to the north of the site, which encloses one of the junior outdoor play areas.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area and an Open Space Area.

The application is accompanied by a Design and Access Statement which explains that the proposal is intended to increase the safeguarding provision for the pupils at the school site that in recent years has been breached by members of the public using it for dog walking, fly tipping and recreational activities both during and after school hours. Dog walking brings increased issues around health and safety as often dogs are often let off the lead and left to roam around the school grounds and leave behind foul waste which is a significant public health hazard.

RELEVANT PLANNING HISTORY

08/02224/RG3 - Erection of an extension to form a classroom - full planning application- Granted 18.06.2008.

06/01420/FUL - Erection of 2.4 metre high fencing- Granted 14.06.2006.

04/00028/RG3 - Siting of a temporary building for use as a double classroom unit (Application under Reg 3 1992) – Granted 24.02.2004.

03/03006/RG3 - Single-storey extension and construction of access ramp to the integrated resources section, Nook Lane Junior School (Application under Reg. 3 1992) – Granted 10.10.2003.

SUMMARY OF REPRESENTATIONS

1 letter in support and 15 letters of objections raised. These objections have been summarised below:-

- Loss of view
- Overbearing and prominent feature
- Impact upon the wildlife
- Existing hawthorn hedge will be impacted which provides good habitation for wildlife
- It is requested that the fence is erected further away from the existing hawthorn hedge
- Loss of privacy
- Maintenance issues of existing residents' boundaries

- Existing access to culvert when flooded would be removed
- The cost of the fence for the school would be better spent elsewhere

Consultees

Highways – No objections.

Trees and Landscaping – Consider that the position of the fencing is justified given the nature of the proposal being about the health and safety of children. However, conditions and directives are recommended in order to limit the impact on the existing trees (particularly those on the western and southern boundaries).

South Yorkshire Police - Fully support the scheme for child safeguarding reasons.

PLANNING ASSESSMENT

Policy Context

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

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised most recently on 19th December 2023 is a material consideration (paras 2 and 224 of the NPPF).

The documents comprising the Council's development plan date back some time and obviously pre-date the NPPF, but paragraph 225 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.

The NPPF provides that the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given. Guidance in the National Planning Practice Guidance (the NPPG) further provides that "policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years", and that "due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the policies".

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

- the application of policies in the NPPF which relate to protection of certain areas or

assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

ASSESSMENT

Principle of development

The existing main school buildings are located in an allocated Housing Area as defined in the adopted Unitary Development Plan (UDP). The remainder of the site and associated hard and soft play areas fall within an Open Space Area.

Policy H10 identifies that D1 uses (which includes schools) - (now use class F1 (a) Provision of education - Local Community and Learning under the up-to-date Use Classes Order) shall be an acceptable form of development within designated UDP Housing Areas. The proposed development is considered ancillary to the main school building and therefore acceptable in principle.

Open Space Policy

Paragraph 98 of the NPPF recognises that access to a network of high quality open spaces and opportunities for sport and physical activity are important for the health and well-being of communities.

Paragraph 99 of the NPPF states that existing open space should not be built on unless the open space is surplus; the loss would be replaced by equivalent or better provision; or the development is for alternative provision and the benefits of that provision clearly outweigh the loss.

Core Strategy Policy CS47 (Safeguarding of Open Space) states that development of open space will not be permitted if it would result in a quantitative shortage in the local area, it would result in loss of high quality space, it would deny people easy access to open space or would result in a break in the Green Network. Development which results in a loss of open space will be permitted where better or equivalent open space is provided in the local area, or the site is surplus for its current open space function.

The proposed fence although within the open space areas is replacing the existing fencing and would not cause any loss of open space.

Design and Amenity Issues

Paragraph 135 of The National Planning Policy Framework (NPPF) states that developments need to contribute towards creating visually attractive, distinctive places to live, work and visit, whilst also being sympathetic to local character. Innovation should not be prevented, but developments should add to the quality of an area whilst providing a high standard of amenity for existing and future users.

Core Strategy Policy CS74 ('Design Principles') states that "High quality development will be expected..."

UDP Policy BE5 ('Building Design and Siting') states that 'Good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions'.

Within Policy H14: Conditions on Development in Housing Areas within the UDP part a) states that new development should be well designed and be of a scale and nature appropriate to the site. Part c) states that new development or change of use applications should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

The proposed fence is to replace the existing dilapidated timber fence and enclose the school grounds, providing a safe outdoor environment to the children of the school and to separate the school ground with the adjoining residential dwellings the abut the school curtilage.

The design of the fence provides good visibility due to its mesh construction and will be coated in green adding to the unobtrusive design. Although the height of the fence is 2.4m it is considered that this would be acceptable as the fence does not densely block outlook and is somewhat permeable. Furthermore, the school grounds already use such a fence to its main entrance and within the school grounds and as such the proposed fence would integrate well with the existing and not detract from the school or the surrounding area. Although visible from adjoining neighbouring properties and the street scene it is considered it will not over-dominate the street scene or the outlook of the neighbouring residents, due to its unobtrusive style of the green painted mesh fencing. It is also worth noting that permitted development rights would allow the installation of a slightly lower 2m high fence without the need for planning permission.

It is considered that the proposed fence would not have an adverse impact upon the character and appearance of the area and would comply with local plan policies and the NPPF.

Landscape Issues

UDP Policy H14 Part (g) states that development should comply with policies for the Built and Green Environment as appropriate. In Policy GE15 (Trees and Woodland) it states that Trees and Woodland will be encouraged and protected by part (b) requiring developers to retain mature trees, copses and hedgerows, wherever possible, and replace any trees which are lost; and part (c) not permitting development which would damage existing mature and ancient woodlands.

Concerns were initially raised with the agent with regards to the potential impact that the proposed fence would have upon the existing trees and hedgerows on site. As such further plans have been submitted showing the relationship of the proposed fence with the existing hedge and the potential impact on the roots. It is shown that although the proposed fence would have little impact upon the existing hedgerow, there is a level of concern with the proximity of the fence to the existing trees on site (particularly on the western and southern site boundary) and the potential impact that construction works may have upon them.

To fully understand the implications of the proposed works on the existing trees a

condition is proposed to require the submission of additional information prior to any works being carried out. This shall include an arboricultural impact assessment, a tree protection plan and a method statement which shall need to be carried out by a reputable arborist and to the correct British Standard (BS5837). Subject to that condition being in place and the recommendations being implemented thereafter the City Council's Landscape Officer is content not to object to the proposals.

The City Council's Landscape Officer has also advised the following construction methodology in order to minimise the impacts of construction generally:

- Holes for fence posts and foundations should be used using hand dig construction only.
- The existing hedge should be retained as far as possible. In the case where any section of hedge needs to be removed, proposals for replacement planting should be put forward for approval.
- To prevent the case of a clash occurring between a tree and a fence post, a flexible fence system with varying lengths of fence panels should be used. Fence posts should be positioned as far away as possible from the base of the tree, and preferably outside of the Root Protection Area.
- All works to be done in accordance with BS 5837 (Trees in relation to design, demolition and construction).

The above would be outlined as an advisory note on the decision notice.

Effect on the Amenities of Residents and the Locality

UDP Policy H14: Conditions on Development in Housing Areas includes matters of design and amenity. UDP Policy BE5 seeks good design in new developments and Core Strategy Policy CS74 relating to design principles also expects high-quality development respecting distinctive features and heritage including townscape and landscape character.

There would be sufficient separation between the proposed fence and nearby residential properties ensure that there would be no significant harm to the living conditions of nearby residents.

Furthermore, it is also considered that the height of the proposed fence is a good compromise between providing security, but minimising its presence within the street scene. As this type of fencing is of relatively permeable construction, it would not cause any additional overshadowing to the public footpaths adjoining or to the neighbouring properties.

Highways Issues

Part d) of Policy H14: Conditions on Development in Housing Areas within the UDP states that new development or change of use applications should be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

There are no highway implications arising from the development. The development would not alter existing parking arrangements and so raises no highway safety concerns. No highway objections have been received.

Summary and Recommendation

The proposal seeks to erect a 2.4m high perimeter fence to enclose the school grounds.

The design of the proposed development is considered acceptable and is similar in appearance to the existing fencing within the school grounds.

There are no highway or amenity implications arising from the proposed development.

It is considered that there are no negative impacts which significantly and demonstrably outweigh the important benefits of providing an increased amount of health, safety and security for the Junior School site, and as such, the proposed development is considered acceptable in terms of paragraph 11 d ii) of the NPPF. On the basis that the proposed development will meet the requirements of UDP and Core Strategy Policies and the National Planning Policy Framework (NPPF) the application is therefore recommended for approval.

Recommendation: Grant Conditionally

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Case Number	23/00777/FUL (Formerly PP-11952761)
Application Type	Full Planning Application
Proposal	Erection of a single-storey building for use as a restaurant and drive thru (Use Class Eb and Sui Generis) with associated car parking and landscaping works (Amended Drawings 16.08.2023)
Location	Within the curtilage of KFC 236 Queens Road Highfield Sheffield S2 4DL
Date Received	07/03/2023
Team	South
Applicant/Agent	ID Planning
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development 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.

1595-001 - Landscape Masterplan
AMA-21694-ATR002 - Service Vehicle Tracking
A101 revision L - Proposed Location Plan and Site Plan
A102 revision G - Proposed Plans and Elevations
A103 revision A - Proposed Bin Store Plan and Elevations
All published 25.08.2023

A104 - Existing and Proposed Street Scene - published 15.12.2023

Reason: In order to define the permission.

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

3. No development shall commence until a ground gas risk assessment has been undertaken and a desktop study report has been submitted to and approved in writing by the Local Planning Authority. 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.

4. Any intrusive investigation recommended in the Ground Gas Risk Assessment Desktop Study 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 the development being commenced. 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. 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.

7. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods

are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

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

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

The HMP shall assist in ensuring that all Contractor highway / vehicle activities are planned and managed so as to prevent nuisance to occupiers and/or users of the surrounding highway environment. The HMP shall include, as a minimum:

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

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

Reason: In the interests of the amenities of the locality and occupiers of adjoining properties and the protection of the free and safe flow of traffic on the public highway.

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

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

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

10. 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.

11. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

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

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

13. The building shall not be used, until full details of a comprehensive delivery and servicing management plan have been submitted to and approved in writing by the Local Planning Authority. The management plan needs to include as a minimum, details of how car parking spaces are to be left vacant to allow for service/delivery vehicles to manoeuvre within the site, and likely servicing and delivery times. Thereafter, all commercial deliveries and servicing shall be carried out in accordance with those approved plans.

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

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

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

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.

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

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

17. The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Note / 03/04/2023 / Andrew Moseley Associates) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 62.08 metres above Ordnance Datum (AOD)
- A water entry strategy shall be put in place for the development
- Flood resistance and resilience measures shall be included within the development

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided via water entry.

Other Compliance Conditions

18. No amplified sound shall be played within the commercial use hereby permitted at above background levels.

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

19. The external PA system shall only be used when ordering food and beverages and in an emergency in such a way that noise breakout does not exceed the prevailing ambient noise level by more than 3dB when measured at the site boundary:

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

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

20. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of nearby hotel and school 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 fume extract terminating.
- b) Acoustic emissions data for the system.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the systems required cleaning and maintenance schedule.

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.

21. The building and external seating areas shall be used for the above-mentioned purpose only between 06:00hours and 23:00hours on any day.

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

22. 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.

23. 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.

24. 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.

Attention is Drawn to the Following Directives:

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

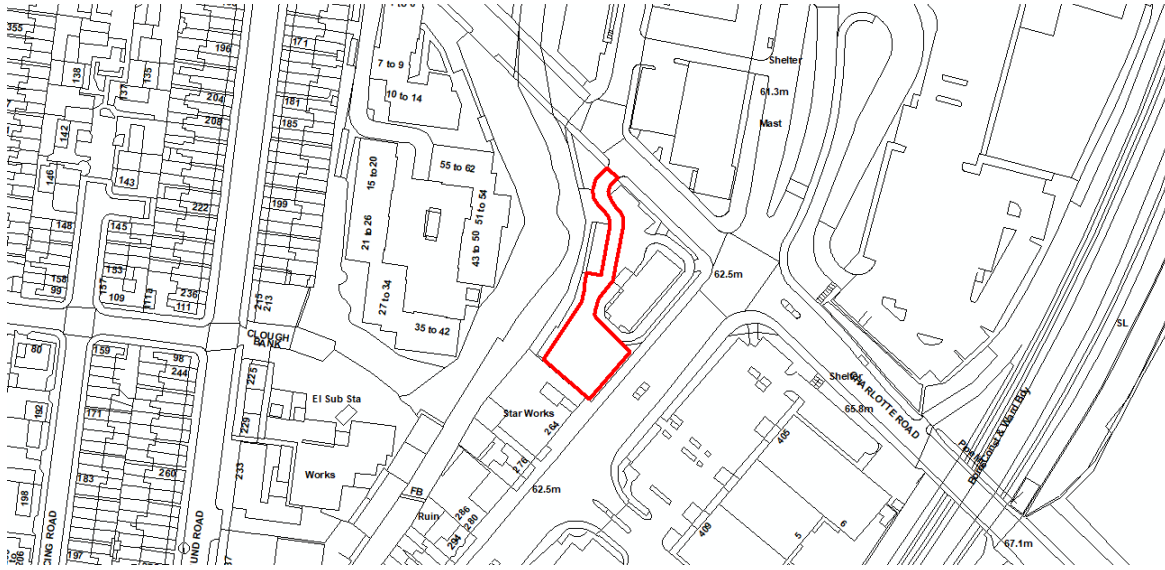
- Sheffield City Council's, Environmental Protection Service; 'Supporting Guidance' issued for persons dealing with land affected by contamination, published at;
<https://www.sheffield.gov.uk/content/sheffield/home/pollution-nuisance/contaminated-land-site-investigation.html>.

5. The applicant is advised that noise and vibration from demolition and construction sites

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

6. The applicant is advised that separate permission is required for the signage on the new building and car park.

Site Location



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The new National Planning Policy Framework (NPPF) was published on the 19th December 2023 with insufficient time for the revisions to the NPPF to be incorporated into this report. The changes are however relatively limited and a decision will be made in due course whether to defer this matter to enable a new report to be provided at a future committee or whether a supplementary report can be prepared for Members and circulated in advance of the January meeting identifying any important changes that would need to be taken into account in determination of the application.

LOCATION AND PROPOSAL

The application relates to a site located within the curtilage of KFC on the corner of Queens Road and Charlotte Road with the proposal utilising an area of existing car park to the southwest of the KFC restaurant. The site is in a prominent location which fronts onto Queens Road, a strategic road into and out of the city centre. The surrounding area is predominantly commercial. Directly opposite on Queens Road is a retail park consisting of units such as Asda, Poundstretcher and Home Bargains. Diagonally opposite the crossroad junction on Queens Road is also a B&Q superstore. To the rear of the site, and across the River Sheaf is a residential complex with series of blocks of student flats.

The site is located within Flood Risk Zone 3 and is within an allocated Housing Area as defined in the Sheffield Unitary Development Plan. It is also noted that within the Draft Emerging Sheffield Plan the site will be within a Flexible Use Zone, however limited weight is afforded to this as although the Draft Sheffield Plan was submitted to Government on the 06 October 2023, the Plan is not currently adopted.

The proposal will see the erection of a separate single storey building within the car park of the KFC. The new unit will be used as a restaurant and drive through (Use Class Eb and Sui Generis) and will utilise part of the existing car park for its customers by providing 8 parking spaces and 2 disabled parking spaces along with external cycle hoops, proposed landscaping works and external seating. Amended drawings have been received showing minor alterations to the external appearance of the building, a reduction to the number of leaderboards, the inclusion of cycle parking, alterations to a bin store, and the provision of landscaping and changes to external seating.

RELEVANT PLANNING HISTORY

There is no directly relevant history for the proposed new unit, however there is history for the site dating back to 1977 when the site was originally a garage for servicing vehicles, to the erection of the KFC restaurant and drive through in 1998 under 98/00721/OUT. There have been subsequent applications for signage, changes to the restaurant and electric vehicle charging points.

In 2004 an application for a 4/6 storey block of flats under 04/00848/FUL was submitted and refused owing to street scene concerns and inadequate living conditions.

REPRESENTATIONS

Originally Submitted Proposal

Following publicity of the original submission, 30 representations were received objecting to the proposal including from the Sheaf and Porter River Trust, who consider that a second fast food takeaway probably represents an over development creating

congestion and conflict. The Trust goes on to suggest that in its current layout the proposal degrades and obscures visibility and accessibility of the river.

They suggested improvements to the existing riverside walk including providing wayfinder signage, clearing the riverbank of invasive species and altering the layout of the restaurant so that seating is provided by the riverside walk instead of close to Queens Road.

The majority of the representations received are from members of the Sheaf and Porter Rivers Trust, and though raising no objection to the principle of redeveloping the site, they reiterate the feedback provided by the Sheaf and Porter River Trust.

Other comments received include:

- Encourage people to make an event of going for a walk and a doughnut rather than driving.
- Concerned about the amount of generated litter.
- Environmental improvements suggested to the river within their ownership to demonstrate Biodiversity net gain.
- The river can be a lovely feature of sitting for customers.
- No more fast food outlets needed.
- The site owner should be obligated as a condition to repair, de-weed and maintain the river wall.
- Health concerns for those using the current proposed seating area as a result of Queens Road being a busy throughfare and would not sit near the road due to particulates from the vehicles.
- Too many opportunities for public access to green space and active travel have been missed in the past, especially along the Sheaf.

Amended Proposals

Negotiations with the applicant have resulted in an amended proposal which shows some slight alterations to the proposal by reducing the number of leader boards, slight relocation of the bin store and providing soft landscaping.

Following the publication of amendments, a second round of notification began on 25.08.2023. A further 22 representations were received, including a second comment from Sheaf and Porter Rivers Trust and Sheffield and Rotherham Wildlife Trust.

Sheaf and Porter Rivers Trust reiterates its previous comments, with the main objections being to the restaurant layout not facing the riverside, public seating area best placed near the riverside, repair of the retaining wall, a new river sheaf walk sign and environmental improvements to the river. The Trust then goes on to raise that should public artwork contribution be merited that an arch to clarify public access would be welcomed. It is also mentioned that the placement of the cycle parking would likely attract theft.

Sheffield and Rotherham Wildlife Trust are supportive of the previous comments made by the Sheaf and Porter Rivers Trust and object to the application. They raise concern with the siting of the proposed building which they feel will obscure the river and assert that it is an opportunity for biodiversity improvements that make use of the river. They request that a biodiversity report is provided.

Additional representations received following the re-notification largely reiterate the previous comments and comments made by the Sheaf and Porter Rivers Trust.

Other comments receive include:

- The plans do not take proper consideration of the previous objections.
- Poor siting of bike parking with inadequate bicycle hoops.

PLANNING ASSESSMENT

Policy Context

The Council's development plan comprises the Core Strategy (CS) which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. As mentioned previously, the Draft Sheffield Plan has been submitted to the Government for examination in October 2023 and therefore has limited weight, additionally the National Planning Policy Framework revised in 2021 (NPPF) is a material consideration.

The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

The most important Local Plan policies should be considered as out-of-date according to paragraph 11(di) of the NPPF. This is that planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. In this instance, the site does not fall within a protected area and is not an asset of importance.

In this context the following assessment will consider the degree of consistency these policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.

Land Use

The application falls within a Housing Area as identified in the Unitary Development Plan (UDP). The UDP pre-dates the most up to date Use Classes Order, with UDP policy H10 listing Housing (previously C3 Use) as the preferred use and Food and Drink Outlets (previously A3 Use) as acceptable. Food and drink outlets (excluding public houses and take aways) fall within use class E - Commercial, Business and Service. However, the drive through and take away element of the proposal makes this a sui generis development – falling outside an identified use class.

Policy CS30 of the Core Strategy 'Jobs and Housing in the Sheaf Valley and Neighbouring Areas' part c) requires the Queens Road corridor to be non-residential and to accommodate business, industry, retail and leisure outlets not appropriate for the city centre or district centres.

This site is currently a Class E Use for a KFC restaurant and drive through, therefore the addition of a new restaurant and drive through unit is in line with the acceptable uses identified within policy H10 and CS30 c).

Flood Risk/Drainage

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

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

Flood Risk Sequential Test

The site lies within flood zone 3 and a sequential test hasn't already been done for the proposed development, as such a sequential test is required.

The purpose of the sequential test is to guide development to areas at lowest risk of flooding, by requiring applicants to demonstrate that there are no alternative lower risk sites available where the development could take place. The sequential test also considers the flood risk vulnerability of the site and the land uses.

In this instance, the search area for the sequential test has been limited to the area around the site which follows the Central Area Flexible Use Zone to the Flexible Use Zone from the emerging Sheffield Plan policy map which stretches from the edge of the city centre at St Marys Gate along Queens Road and finishes around the crossroads with Bramall Lane and Myrtle Road. Resultantly, the sites included in the sequential test are based around Queens Road and Bramall Lane.

Several sites were identified but discounted as they were either too small for the proposed development or intended for housing. Therefore, having reviewed the sequential test document, the Local Authority are satisfied the test has been passed in this instance.

There is no requirement in this instance to apply the exceptions test as the development represents a 'less vulnerable' use.

Flood Risk Assessment

A Flood Risk Assessment (FRA) has been submitted. FRAs are detailed technical studies on flood risk at a site and its surroundings. Their purpose is to assess whether development will be safe for its lifetime and can be delivered without increasing flood risk elsewhere.

The FRA is considered acceptable following consultation with the Environment Agency subject to conditions relating to the finished floor levels. The finished floor levels of the building are set at 62.08 metres above Ordnance Datum (AOD). The landscape

masterplan shows the car parking areas adjacent to the proposed new building (excluding any kerb heights) to be around 61.80 – 62.20 with a slight overall change in land levels across the site. However, access into the building is level, and the land level changes are not considered to result in significant concern.

Design

Core Strategy Policy CS 74 'Design Principles' seeks to promote high quality development and it says that development should take advantage of and enhance the townscape and landscape character of the city's districts. UDP Policy BE5 'Building Design' says that original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings, which is followed up through Policy H14 'Conditions on Development in Housing Areas' part a) which requires buildings to be well designed with buildings of a scale and nature appropriate to the site.

Chapter 12 of the NPPF aligns with the UDP and Core Strategy Policies and states good design is a key aspect of sustainable development and should contribute positively to making places better for people. It is considered that the design policies within the UDP and Core Strategy reflect and align with the guidance in the NPPF and therefore are considered consistent with the NPPF and so can be afforded significant weight.

This application proposes the partial loss of an area which is currently an otherwise unattractive and underutilised piece of tarmac being used as a car park. It has no architectural merit and therefore loss of a portion of the car park is considered acceptable in principle.

The proposal is for a single storey building set back from Queens Road, with parking to the east between the building and the existing KFC unit. The proposed building will be positioned near an existing three storey building to the south of the site which is currently a furniture and carpet shop.

The site is within an existing car park serving a KFC unit, this results in the area available for the new building and customer parking being constrained.

However Queens Road is a wide street with a somewhat open character as a result of many buildings being set back from the road edge particularly within the retail park opposite. On the western side of the road buildings are more commonly built to back edge of footpath and in the order of three storeys high. The site could accommodate a building of some scale in this context.

The scale and massing of the proposed single storey building, with its prominent elevation a side elevation of 4.8m wide, is considered to be somewhat under scaled for such a location fronting a wide arterial route and this plot would comfortably accommodate a building of a larger scale. The constraints of an existing drive through facility with circulation areas is acknowledged and limits greater scale to a degree.

The scale of the building, with the layout including a side elevation facing the main Queens Road frontage, and storage areas next to the riverside walk represents something of a missed opportunity, however following requests to amend the layout, minimal alterations were undertaken. Whilst these are considered negative elements of the scheme the side elevation does not lack interest, and the positioning of the seating

area will add some activity to the Queens Road frontage. It could not reasonably be argued that this overall detracts from the appearance of the street given the site at present is an underused, quite bleak car park area.

The elevational details follow the corporate branding of Dunkin with a mixture of brick and cladding, with the front elevation being largely glazed and sections of the side elevation also being glazed where customers would sit inside the restaurant. A refuse store is located towards the rear of the building and will be hidden behind a timber fence enclosure and partially screened from the riverside walk with a hedge. The bin store will be hidden from Queens Road, and it will be visible from the riverside walk, but the hedge will screen the bin store to some extent and helps to soften its appearance by providing greenery.

The main building will incorporate a dark grey or black brick and a large podium like feature will be clad in a light buff colour. Materials will be conditioned so that detail is provided and discharged.

Views to the riverside walk will still be available from Queens Road, with the building location maintaining its visibility. The building is cuboid in shape, with its narrowest elevation facing toward the highway and therefore minimising screening of the riverside walk, the number of leaderboards was reduced from three to two to further mitigate screening of the walk from Queens Road and whilst it is recognised that some visibility will be lost, it is also recognised that as discussed previously, a larger building would usually be expected in a plot of this size and location which would result in more significant screening of the riverside walk. In this instance, views of the walk are still available, and is readily visible from Charlotte Road where the main entrance to the walk is and therefore the building is, on balance considered a reasonable response to context.

Overall the drawings, indicate a building that is typical of drive through/fast food facilities across the country and which, whilst somewhat under scaled for the location does relate to the neighbouring KFC unit and commercial appearance of the vicinity. It has no significant impact on the visibility and existing or future usability of the riverside walk. The overall siting of the proposal and its scale and massing whilst of a smaller scale than would usually be expected is appropriate for this location.

By the nature of the development, car parking will be a dominant feature of the proposal, however this is supplemented by soft landscaping, with the boundary to Queens Road consisting of a knee rail fence. This represents an enhancement of the existing situation.

Core Strategy Policy CS73 'The Strategic Green Network' seeks to open up Sheffield's main river corridors, maintaining and enhancing them where possible.

A riverside walk has previously been provided which runs along the river Sheaf at the back of the site. The adjacent building at 264 Queens Road forms the end of this stretch of the river Sheaf walk, and a gap in the existing knee rail fence fronting onto Queens Road forms an informal path for pedestrians across the car park onto Queens Road. The existing riverside walk was constructed to a standard with the intention of being adopted in the future once more of the riverside walk is completed, however it is not currently adopted.

As such, it is not considered reasonable to require additional alterations or

improvements to the riverside walk, as it is already constructed to sufficient standard. It is noted that other developments along the River Sheaf have required works to be undertaken to continue development of the route in the form of a section of riverside walk, however in these instances there was no existing riverside walk.

In this instance, requiring significant enhancement (including improved signage or works to the river bank) or maintenance of an existing section of walkway that does not currently form part of a defined route is not considered reasonable or proportionate in this context.

Therefore, it is considered that the overall design of the proposal is acceptable in this instance subject to finer details being controlled through conditions on any approval, complying with Policies H10, H14, BE5, CS74 and the NPPF.

Living Conditions

Policy H14 'Conditions on Development in Industry and Business Areas' part k) requires that new development should not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.

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

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

The closest neighbouring properties to the application site are blocks of flats to the rear (north/west) of the site, across the River Sheaf. The building itself is of a scale that will not create any adverse overbearing or overshadowing.

The flats are at a raised land level to the building with sufficient separation between to ensure no unacceptable loss of amenity shall occur.

Owing to the location of the site adjacent to Queens Road, there are fairly high levels of traffic noise in the area. However, there is the potential for adverse levels of noise later into the evening when traffic reduces, from sorting of waste materials within the site, the speaker/ordering post, and also from externally mounted plant and equipment. Relevant conditions on any approval can ensure appropriate hours of operation and for the sorting and removal of waste materials and also details of any external plant/equipment.

Therefore, the proposal is not considered to impact adversely on the amenities of occupiers of any nearby neighbouring property, complying with H14 part k) and paragraph 130 of the NPPF.

Highways

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

UDP Policy BE9 'Design for Vehicles' requires that new developments should provide safe, and adequate parking provision including space to manoeuvre. UDP Policy H14 'Conditions on Developments in Housing Areas' part d) requires that proposals would provide safe access to the highway network and appropriate off-street

parking.

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

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

It is proposed to utilise the existing access point from Charlotte Road, with the same vehicular path being taken for customers to both KFC and Dunkin, before the routes split with vehicles for Dunkin continuing toward the southern area of the site. This is acceptable in principle.

The amended plans show slight alterations to the proposed pedestrian crossings on the site, with a proposed crossing closest to the riverside walk being slightly repositioned closer to the walk (further north of the building) than originally proposed. The crossings will allow pedestrian access to the building from the riverside walk and from the direction of Charlotte Road meanwhile access from Queens Road will be via a gap in the knee rail fence toward the southern corner of the site.

The plans indicate that there shall be 8 parking spaces with an additional 2 disabled parking spaces. Cycle parking is proposed externally within the site near the riverside walk.

Vehicle tracking has been submitted which shows a delivery and a refuse vehicle turning within the site. Whilst it is acknowledged that this does rely on some of the car parking spaces being empty to enable the vehicles to turn within the site before delivering products/picking up waste, this is acceptable and has been shown to work for other similar scenarios relating to convenience stores/food outlets. A service/delivery management plan can be controlled through condition on any approval which will detail how they will 'cone off' areas of parking, use banksmen when manoeuvring and likely servicing outside of the peak hours.

No alterations are proposed to the riverside walk as it is already constructed to an adoptable standard. The level of parking accommodation and site layout are considered acceptable and will not adversely impact on highway safety, complying with H14 part d), BE9, CS51 and the NPPF.

Sustainability

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

- Giving priority to development in the city centre and other areas that are well

served by sustainable forms of transport.

- Giving preference to development on previously developed land where this is sustainably located.
- Adopting sustainable drainage systems (SuDS).

Policy CS64 'Climate Change, Resources and Sustainable Design of Development' requires all new buildings to achieve a high standard of energy efficiency, making the best use of solar energy, passive heating and cooling, natural light and ventilation.

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

The site is located in the main urban area, on previously developed land, which is served by sustainable forms of transport and within walking distance of local housing and other local commercial/retail facilities.

It is confirmed in the submitted planning statement that the proposed building comprises sustainable materials providing a high standard of energy efficiency in accordance with new (2022) Building Design Standards. However, no greater detail is provided therefore compliance with the aims of the policy will and can be secured by condition.

Policy CS67 requires all developments to significantly limit surface water run-off, and to utilise Sustainable Urban Drainage Systems (SUDS) where feasible and practical, including the use of permeable paving on sites of less than 1 hectare.

A submitted drainage strategy plan outlines that as the site is currently developed, with an existing drainage infrastructure in place and that the site's existing impermeable area will not be changing there is no requirement to provide attenuation. The strategy also states that a new foul water and drainage layout will be created to connect into the existing drainage infrastructure as the changes to the site are small.

The Lead Local Flood Authority (LLFA) advise that this unacceptable and that local and national policies apply which require discharge to the highest available in the hierarchy, in this instance discharge to the river Sheaf as per the National Planning Policy Framework (NPPF), this was fed back to the agent alongside additional advice that surface water discharge should be limited and incorporate a SUDS system so that it is in line with policy CS67.

At the time of writing this matter is unresolved but this is not a barrier to determining the application as the details can reasonably be required and approved under an appropriate planning condition.

Overall, it is considered that the proposal meets or is capable of meeting the local sustainability policy requirements in CS63, CS64 and CS67 and the NPPF.

Landscaping and Ecology

UDP Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected.

Policy BE6 (Landscape Design) expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape

features, and enhance nature conservation.

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

These policies are considered to align with the NPPF and therefore be relevant to this assessment on the basis that paragraph 130 expects appropriate and effective landscaping, along with sympathetic developments including landscape setting.

At present the site does not contain any trees as it is an existing car park. There is a strip of low-level shrub planting on the southern boundary with 264 Queens Road which shall be removed to allow access along the side of the building for staff and maintenance. The amended drawings include a landscape plan that shows three trees with area of shrubs below to the boundary fronting onto Queens Road. Providing new tree planting here is considered a positive aspect of the scheme. There is also a small hedge proposed to the northern elevation of the proposed bin store facing toward the riverside walk, which is intended to help screen visibility of the bin store from the walk.

Detail of the planting has been provided and indicates that the trees will be Sorbus (Rowan), the hedge will be a low Fagus (Beech) and the shrubbed areas will be a mixture of small shrubs such Hebes, Viburnum and Cotoneaster no taller than 40cm but will provide some level of habitat and benefit for wildlife.

No ecological assessment was provided during the application. The applicant's Planning Statement states it was not provided due to the existing use and site treatment which is currently an area of hard surfacing used as a car park and therefore has no benefit to wildlife. Further to this, the development site is already likely to benefit from a low ecological baseline. A landscape scheme has been submitted, with detail provided showing a mixture of trees and low shrubs proposed, subsequently a condition will secure the implementation and maintenance of the landscaping.

Land Contamination

The site has a previous industrial use and as such may be contaminated.

Therefore a suite of land contamination conditions will be added to any approval to ensure that appropriate measures/mitigation are taken.

Community Infrastructure Levy

CIL has been formally introduced in Sheffield; it applies to all new floor space and places a levy on all new development unless exemption can be proved, or the development is less than 100sqm. The money raised is put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc.

A CIL Additional Information form has been submitted as part of the application and as the development does not include 100 square metres gross internal area, it is therefore not CIL liable.

SUMMARY AND RECOMMENDATION

In accordance with Paragraph 11(di) of the NPPF, where policies that are most relevant for determining an application are out of date, planning permission should be granted

unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development.

Amended plans have been received which slightly amend the layout and provide some soft landscaping which will deliver some benefit. The scheme proposes a development with some shortcomings in terms of layout and scale but these are considered a missed opportunity rather than harmful to the street scene and accepted given the constraints of the site being within a car park to an existing operating facility. This therefore represents an enhancement of the site with the introduction of soft landscaping on the frontage and utilises previously developed but currently under used land which is acceptable in land use terms.

There will be no adverse impact on ecology, landscaping, highway safety matters, or on the amenities of the closest neighbouring properties, subject to appropriate conditions for mitigation measures/improvements. An existing riverside walk will remain and shall be available for members of the public to use. No alterations to the walk were sought it is already constructed to an adoptable standard.

It is therefore recommended in this instance that planning permission is granted subject to relevant conditions.

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Case Number	22/02691/FUL (Formerly PP-11341647)
Application Type	Full Planning Application
Proposal	Demolition of building and erection of a 40-storey co-living residential tower (Sui Generis) comprising 428 x units with ancillary/communal space (1 x 4-bed cluster, 37 x 5-bed clusters, 37 x 6-bed clusters, 1 x 7-bed cluster and 1 x 10-bed cluster), change of use of basement/ground/first floor and part of second floor of 59-73 High Street to commercial (Use Class E) and co-living residential accommodation (Sui Generis) comprising 20 x studios with ancillary/communal space, and hard and soft landscaping works/reconfiguration of King Street/Angel Street
Location	51-57 High Street and ground and first floor of 59-73 High Street City Centre Sheffield S1 2GD
Date Received	18/07/2022
Team	City Centre and Major Projects
Applicant/Agent	Savills (UK) Limited
Recommendation	Grant Conditionally Subject to Legal Agreement

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development 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.

Drawing numbers:

Site plan (red line boundary) job no. 0641, dated July 2021 and published 19.07.2022

L(-)010 rev P6 (proposed site plan) published 14.12.2023
L(-)100_B rev P4 (proposed basement floor plan) published 17.11.2023
L(-)100 rev P6 (proposed ground floor plan) published 17.11.2023
L(-)100_M rev P6 (proposed mezzanine level floor plan) published 17.11.2023
L(-)101 rev P5 (proposed level 01 floor plan) published 30.11.2023
L(-)102 rev P4 (proposed level 02 floor plan) published 17.11.2023
L(-)103 rev P4 (proposed level 03 floor plan) published 17.11.2023
L(-)104 rev P4 (proposed level 04 floor plan) published 17.11.2023
L(-)105 rev P4 (proposed level 05 floor plan) published 17.11.2023
L(-)106 rev P4 (proposed level 06-16 (even floors) floor plan) published 17.11.2023
L(-)107 rev P4 (proposed level 07-17 (odd floors) floor plan) published 17.11.2023
L(-)118 rev P4 (proposed level 18-38 (even floors) floor plan) published 17.11.2023
L(-)119 rev P4 (proposed level 19-37 (odd floors) floor plan) published 17.11.2023
L(-)139 rev P4 (proposed level 39 floor plan) published 17.11.2023
L(-)140 rev P4 (proposed level 40 floor/roof plan) published 17.11.2023
L(-)141 rev P1 (proposed roof plan) published 19.07.2022

L(-)212 rev P5 (proposed south elevation) published 30.11.2023
L(-)210 rev P4 (proposed north elevation) published 30.11.2023
L(-)213 rev P2 (proposed west elevation) published 17.11.2023
L(-)211 rev P1 (proposed east elevation) published 17.11.2023

L(-)250 rev P1 (façade fragment window detail 1) published 19.07.2022
L(-)251 rev P2 (façade fragment window detail 2) published 27.02.2023
L(-)252 rev P2 (façade fragment window podium detail) published 27.02.2023
L(-)253 rev P1 (façade fragment crown detail 1) published 19.07.2022
L(-)254 rev P1 (façade fragment crown detail 2) published 19.07.2022
L(-)255 rev P2 (façade fragment street detail 1) published 27.02.2023
L(-)256 rev P2 (façade fragment street detail 2) published 27.02.2023

Response to HSE Comments (ref: BB-RLW-14135BC-01-A) by BB7, dated 28.06.2023 and published 07.07.2023

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 have been investigated and an updated or supplementary Phase 1 Preliminary Risk Assessment Report submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).020).

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 above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:

a) been carried out; or

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

Highways Improvements:

Notwithstanding the approved plans, a fully detailed public realm scheme covering the entire red line boundary area of the site on King Street, Angel Street and High Street, including:

- (a) Full materials and planting specification, which shall link to the layout, design, material palette and planting of the Grey to Green scheme;
- (b) Full details of street furniture, which shall match the City Centre palette;
- (c) Any required amendments to the design and layout of the vehicular junction between King Street and Angel Street;
- (d) The provision of an appropriate area for the reinstatement of the market on King Street, and the retention of the existing power supply and any other services associated with the operation of the existing market on King Street;
- (e) Arrangements for the provision, ongoing maintenance and retention of the wind mitigation measures within the public highway (liability, responsibility and costs);
- (f) Arrangements for the ongoing maintenance of any soft landscaped areas.

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

7. 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: To enable the above-mentioned highways to accommodate the increase in use, which, in the opinion of the Local Planning Authority, will be generated by the development.

8. No development (including site preparation in the form of erecting hoardings or undertaking demolition works) shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall include details of the site compound and the impacts on the public highway/tram network, including:
- a) Site compound/accommodation including hoarding/scaffolding arrangements and locations;
 - b) Area(s) for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials;
 - c) Details of the means of ingress and egress for vehicles engaged in the construction of the development;
 - d) All operations, including the use of cranes or other mechanical plant working adjacent to the tramway must at all times be carried out in a "fail-safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 2.75 metres of the nearest rail of the adjacent railway line or overhead electrical equipment or supports;
 - e) A method statement where excavations/piling/buildings are to be located within four meters of the tramway boundary or where vibro-compaction machinery is to be used;
 - f) Where any work is within 2.75 metres of Overhead Line Equipment, this shall only be carried out with an isolation of the equipment in place. This shall be agreed with Stagecoach Supertram at the earliest opportunity (as a minimum 8 weeks in advance);
 - g) Facilities to prevent mud/debris being deposited in the public highway and onto the Supertram network.

The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

Reason: In the interests of the amenities of the locality and the free and safe operation of the highway and Supertram networks. It is essential that this condition is complied with before the development is commenced.

9. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
 - The requirement to seek preservation in situ of identified features of importance.
 - The programme for post-investigation assessment.
 - The provision to be made for analysis and reporting.
 - The provision to be made for publication and dissemination of the results.

- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

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

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

10. No development shall commence (except demolition) 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.

11. No development (except demolition) shall commence unless full and final details of appropriate wind mitigation measures, including the siting, nature, appearance and design of the measures have been submitted to and approved in writing by the Local Planning Authority. The details shall include a supporting updated wind microclimate assessment, which shall account for any changes to the built environment since the consent, to demonstrate the suitability and effectiveness of the measures. The timescale for the implementation of the measures shall also be agreed in writing with the Local Planning Authority before the above ground works commence. The measures shall thereafter be installed at the agreed phase of the construction, and the building shall not be used unless all mitigation measures are in place and are fully operational. Thereafter the measures shall be retained and maintained for the sole purpose intended for the lifetime of the development.

Reason: In the interests of highway and pedestrian safety.

12. No development (except demolition) 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.

13. No development (except demolition) shall commence until full details of proposed ecological enhancement measures, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the enhancement measures shall be implemented as approved before the development is occupied.

Reason: In the interests of protecting the biodiversity of the site.

14. The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made, evidence that such a contract has been made has been submitted to and approved in writing by the Local Planning Authority and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that premature demolition does not take place and result in an undeveloped site, some time before rebuilding, which would be detrimental to the visual character of the locality.

15. Notwithstanding the approved basement level floor plan, no development (except demolition) shall commence unless full details of a gym facility (as part of, and primarily for use by the residents of, the Sui Generis co-living scheme hereby approved) have been submitted to and approved in writing by the Local Planning Authority. The details shall include a floor plan demonstrating the layout of the gym, which shall occupy a minimum GIA of 450m² of the basement level. Thereafter, the gym shall be provided and retained in full accordance with the approved details and be fully operational before the residential portion of the development is occupied.

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

16. Unless it can be shown not to be feasible or viable no development (except demolition) shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

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

17. The development shall not be used unless the separate bin stores for commercial and residential waste, as indicated on drawing nos. L(-)500 rev P2 and L(-)501 rev P2 (published 17.11.2023) have been provided and thereafter retained for the sole purpose intended. Bins shall not be stored on the highway, except as part of otherwise agreed collection procedures.

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

18. Prior to use of the development hereby permitted commencing, a delivery, servicing and refuse management plan shall be submitted for written approval by the Local Planning Authority. The management plan shall include procedures and timings for deliveries/servicing and associated activities, and set out procedures and controls designed to minimise local amenity impacts from noise, as far as reasonably practicable. All deliveries and servicing then shall be carried out in accordance with the approved plan, including the approved noise mitigation procedures.

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

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

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

20. The residential portion of the building shall not be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

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

Within 3 months of the date of the first residential occupation of the building, evidence that all the measures included within the approved Travel Plan have been implemented or are committed shall have been submitted to and approved in writing by the Local Planning Authority.

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

21. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people to enter both the tower and retained building shall have been submitted to and approved in writing by the Local Planning Authority and the buildings shall not be used unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

Reason: To ensure ease of access and facilities for disabled persons at all times.

22. 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.

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

- a) All windows and glazing to tower including stair core and shop fronts
- b) All new windows and window openings to existing building (including reveals, lintels/cills and frames etc)
- c) All new entrances and shop fronts to existing building (including reveals, lintels/cills and frames etc)
- d) Soffits
- e) Any existing window infills
- f) All materials/panels including fixings and sizing

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

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

24. A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority before any masonry works commence and shall be retained for verification purposes until the completion of such works.

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

25. Details of the proposed lighting scheme to the building 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.

26. Details of a proposed signage strategy to the building shall be submitted to and

approved in writing by the Local Planning Authority before any signage is installed. Thereafter, the development shall be carried out in accordance with the approved details.

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

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

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

28. The residential portion of the development shall not be occupied unless a detailed building management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall demonstrate how the co-living use hereby approved and all associated amenity areas, including gym and co-working space, will operate and be managed. Thereafter, the management of the building shall only be undertaken in full accordance with the approved management plan.

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

29. The residential portion of the development shall not be occupied unless all shared living/dining/amenity areas, as shown on the approved plans, including a gym and co-working space, have been provided. Thereafter, all aforementioned amenity provisions shall be retained in perpetuity for the purposes intended and be available for use by residents of the co-living scheme hereby approved at all times.

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

30. Studio numbers 0.1, 0.8, 0.9, 0.15 and 1.1 hereby approved within the existing building (59-75 High Street) shall not be occupied unless the new window openings, as shown on the approved floor plans (indicated in red), have been provided and thereafter retained for the lifetime of the development.

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

31. 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.

32. No tree planting shall be permitted over or within 5 (five) metres either side of the centre line of the water mains or sewers, which cross the site, unless appropriate

details have been submitted to and approved in writing by the Local Planning Authority for:

- a) the mitigation of potential tree root infestation of the pipework
- b) ensuring access to the public sewerage network for maintenance

Thereafter the development shall be undertaken in accordance with the approved details.

Reason: In order to protect the structural integrity, and ensure the ongoing maintenance of, the sewerage network.

33. The development hereby approved shall be constructed in accordance with the scheme of works/recommendations set out in the approved Sustainability Statement (Energy Strategy, dated 12.10.2022, revision C, by Watt, published 05.06.2023), unless an alternative but equivalent scheme is otherwise agreed in writing by the Local Planning Authority. Thereafter the scheme of works shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

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

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

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

35. No commercial food use shall commence within the commercial units (use class E) hereby permitted unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall include:

- a) Drawings showing the location of the 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 systems 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 use shall not commence until the approved equipment has been installed and is fully operational and shall thereafter 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 it is essential for these works to have been carried out before the use commences.

36. No amplified sound shall be played within the commercial units 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.

37. 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 Environmental Noise Impact Assessment 3351/ENIA by ADT dated 21st June 2022 (published 19/07/2022)

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.

38. 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.

39. 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.

40. 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.

Other Compliance Conditions

41. The development shall drain by gravity unless it can be evidenced to the satisfaction of the Local Planning Authority that it is not possible.

Reason: In the interests of sustainable drainage.

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

Reason: To ensure satisfactory drainage arrangements.

43. No customer shall be permitted within the commercial units outside the following times:

0700 hours to 0030 hours (the following day) on any day.

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

44. The residential units shall only be let as part of the wider co-living (Sui Generis) use hereby approved, and at no time let or sold off separately.

Reason: In the interests of creating mixed communities in accordance with Core Strategy CS41.

45. Notwithstanding the approved plans, no door shall, when open, project over the adjoining footway.

Reason: In the interests of pedestrian safety.

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

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

Attention is Drawn to the Following Directives:

1. 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.

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

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

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

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

3. The proposed development is located near to the track and overhead line of the South Yorkshire Supertram. The developer is advised that there needs to be close liaison with South Yorkshire Supertram Limited at Nunnery Depot, Woodbourn Road, Sheffield, S9 3LS, (Telephone Sheffield (0114) 2759888). All works carried out on site and within the vicinity of the site need to be in accordance with the "Supertram Code of Practice for Working On or Near the Tramway". This Code of Practice is available both upon request from Supertram, or online at: <http://www.supertram.com/workingonsystem.html>.

The applicant is directed to the formal responses to this planning application on the public planning file from Supertram and SYPTE (SYMCA) for further guidance. These items are addressed by the CEMP condition.

4. The applicant is advised that 'Talent Sheffield' is a Sheffield City 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 meet the commitments in the Inclusive Employment and Development Plan and deliver the maximum possible benefits to Sheffield people and its communities.

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

The notice should be sent to:-

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

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

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

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

6. The approved Phase I Geo-Environmental Appraisal (by Patrick Parsons dated December 2016) identifies that the site is underlain by coal measures, which could have been worked in the past. The site does not lay within a Coal Mining Referral Area and the report states that identified risk is considered to be low, however, the developer is advised that it is their responsibility to ensure any such features are appropriately accounted for and, where necessary, further investigated and remediated, in liaison with the Coal Authority.

Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

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

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

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

8. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:

- Reference to permitted standard hours of working:
0730 to 1800 Monday to Friday
0800 to 1300 Saturday
No working on Sundays or Public Holidays
- Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
- A communications strategy for principal sensitive parties close to the site.
- Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for:
Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
Vibration.
Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
- A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

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

9. 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.
10. 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.
11. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
12. 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.

13. Should Doncaster Sheffield Airport reopen, the applicant is advised that any high reach access equipment or 5g communication masts must have the airport's prior permission before use.
14. 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

15. The cycle lane on Angel Street should stay fully operational and free of any obstruction at all times throughout the construction phase of the development where possible.
16. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

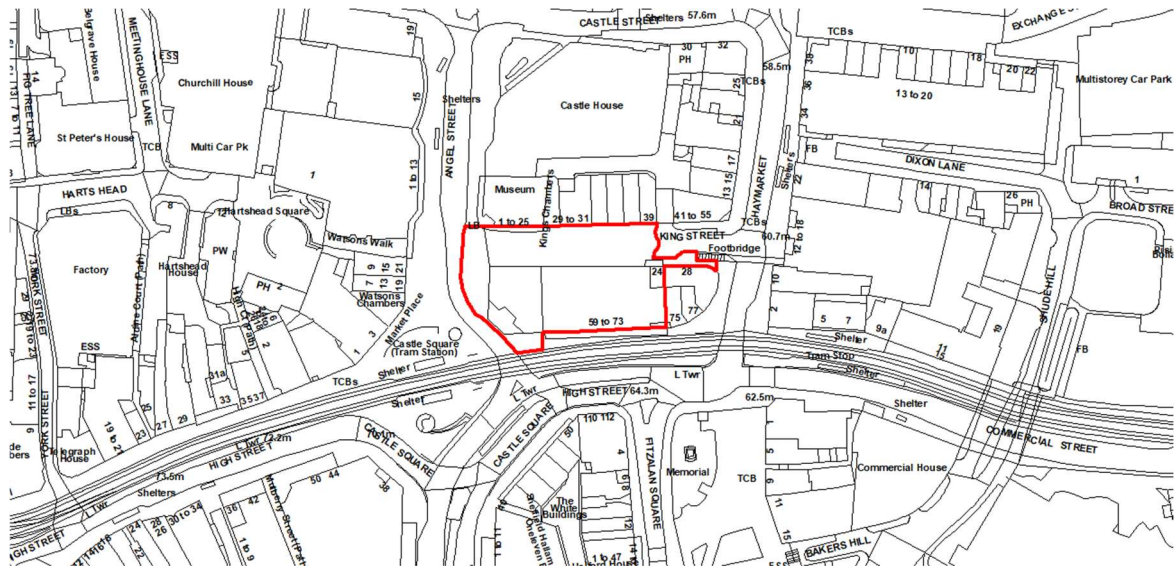
Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

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

The applicant is advised to start discussions early with the Highway Co-ordination Group in this case given the construction of the tower is likely to be problematic from a highways perspective given the severe constraints of the site.

17. The applicant is advised that while some of the wind mitigation measures are indicated on some of the approved plans, these elements are not approved. The use of trees to the westernmost end of King Street in particular raises concern and potential conflict with the Grey to Green scheme, and the wind mitigation measures in this area will require further consideration, and the use of more sculptural elements in this area may be more appropriate.
18. The submitted demolition method statement states that access for vehicles would be gained from King Street, and it is agreed that this is the only feasible option for access during construction works. The statement notes that it is a necessity to contact Supertram in relation to scaffolding etc. The applicant is advised that they will indeed need to contact Supertram and also secure all the necessary approvals from Highway Co-ordination and Regulation prior to any works commencing, including the site compound.

Site Location



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The new National Planning Policy Framework (NPPF) was published on the 19th December 2023 with insufficient time for the revisions to the NPPF to be incorporated into this report. The changes are however relatively limited and a decision will be made in due course whether to defer this matter to enable a new report to be provided at a future committee or whether a supplementary report can be prepared for Members and circulated in advance of the January meeting identifying any important changes that would need to be taken into account in determination of the application.

LOCATION AND PROPOSAL

The application relates to a vacant retail premises at the corner of Angel Street and High Street (no. 51-57 High Street), within the City Centre.

The proposal is for the demolition of the building and the erection of a 40-storey co-living residential tower (use class Sui Generis) with a ground floor commercial unit (use class E – commercial, business and service).

The co-living residential tower would comprise 428 x studio units in the following arrangements:

- 1 x 4-bed cluster
- 37 x 5-bed clusters
- 37 x 6-bed clusters
- 1 x 7-bed cluster
- 1 x 10-bed cluster

The application site also incorporates the majority of the basement, ground and first (referred to as the mezzanine to align with the proposed floors within the tower) floors and a portion of the second floor (referred to as the first floor) of the adjacent building at nos. 59-75 High Street (i.e. the Easy Hotel building). The proposal seeks to change the use of part of the basement and ground floor of nos. 59-75 to commercial (Use Class E) and residential ancillary uses (gym and co-working area), with 20 no. studio units at first and second floor level, for use in connection with the Sui Generis co-living tower.

As part of the works, King Street to the rear and the surrounding public realm would be improved, with the existing King Street market reincorporated, and vehicular access created from King Street onto Angel Street.

RELEVANT PLANNING HISTORY

Regarding the current proposal:

22/01849/EIA - EIA (Environmental Impact Assessment) Screening opinion request for the erection of 41-storey residential building – Environmental Statement Not Required 06.06.2022

Regarding the previous approval of a residential (use class C3) tower:

20/03193/FUL - Demolition of 51-57 High Street and erection of a 39-storey tower plus basement comprising; 206 no. apartments (Use Class C3); plant at basement level; a commercial unit (commercial, business and services (Use Class E) or drinking establishment or hot food takeaway (Sui Generis) with mezzanine and ancillary residential accommodation at ground floor level; use of part of second floor of 59-73 High Street as ancillary residential accommodation; works including hard and soft landscaping to King Street and reconfiguration of access at the King Street/Angel Street junction – Granted conditionally 09.12.2020

The above consent has now lapsed. Nonetheless, such recent lapsed permissions remain a relevant material consideration.

19/01422/EIA - EIA (Environmental Impact Assessment) screening request for a decision as to whether the proposal is EIA Development for the purposes of the EIA Regs (Residential Development) – Environmental Statement Not Required 10.05.2019

Regarding the temporary relocation of King Street market:

21/00262/RG3 - Use of land for temporary siting of market (Application under Regulation 3) – Granted conditionally 30.03.2021

SUMMARY OF REPRESENTATIONS

7 no. objections have been received from neighbours and interested parties (including ChangingSheff - City Centre residents association), in summary raising the following issues:

- Agreement that Castlegate needs investment and redevelopment but queries raised regarding the justification
- Design not in keeping with area, scale/height will dwarf neighbouring buildings, out of scale with its surroundings
- Impact on Listed Buildings and their setting detrimental, the benefit does not outweigh harm
- Impact on natural daylight for neighbours
- Wind microclimate assessment submitted but a more robust analysis of the implications of airflow in the local area would be useful
- Plans block access to the shared entrance/fire exit with the National Video Game Museum on Angel Street and safety concerns regarding access via a construction site
- Proposed through road of King Street onto Angel Street a safety concern and congestion/pollution at the bus gate
- Construction disruption, noise, dust, and debris, loss of revenue for local businesses
- Increase in people in a small area, negative impact on local services, healthcare and parking
- Appears to be for students (marketed as 'co-living'), already enough student accommodation, seasonal economic benefits and not paying Council Tax, buildings will be empty and neglected or require expensive conversion/demolition
- Living conditions substandard, no outdoor amenity space for residents and other

issues associated with living in a tall building i.e. reliance of lifts

- People forced into small living conditions and shared amenities due to pricing out of the housing market and to generate income
- To create mixed communities a better mix of accommodation including family accommodation is needed, of appropriate size
- Single stair and fire safety concerns, compromising neighbouring fire escape arrangements

Cllr Mersereau, on behalf of the City Ward Councillors objected to the proposals, in summary stating that there is no value of another student block in the City Centre, as there is already an over-supply. They query whether there has been consideration that the block could remain largely empty? They state that such accommodation will do nothing to bring population stability to the Ward, which has a very high turnover of residents. The City Centre is rightly being considered as a growing neighbourhood and needs a greater variety of accommodation than shared student and 1 bed flats. A 40-storey tower block would be out of keeping architecturally with the rest of this part of the City Centre, and potentially could mean a loss of light for existing residents living in the area.

In addition to the above objections, Sheffield Conservation Advisory Group commented, in summary stating that whilst an interesting concept, it is outside the Conservation Area. The Group expressed concern over the sheer scale which would dominate the City Centre with a negative impact upon the Conservation Area and the many listed buildings, including Sheffield Cathedral, the spire of which would be dwarfed.

RESPONSE TO REPRESENTATIONS

Issues regarding scale, design, conservation impacts, daylight, wind/microclimate, local services, economic/regeneration issues and fire safety are addressed in the planning statement below. However, the following responses are made in direct response to the more specific concerns raised.

It should be stressed that despite concerns to the contrary, the scheme is not a purpose-built student accommodation (PBSA) development, and the general issue of creating mixed communities is addressed in the report below. It is therefore not possible to draw any meaningful conclusions from the concerns raised regarding the seasonal impact on the economy, or the likelihood of buildings being unoccupied, for example.

Documentation regarding the wind microclimate assessment submitted is considered to be a robust analysis that enables a full assessment of the situation, and is discussed further in the report below.

Landscaping issues are considered in the planning assessment below. In summary, the final design of the public realm works around the site and in proximity to the entrances of neighbouring buildings has not been included for final consideration here, and these works would be secured by condition, where the full impact on access can be considered. Some public realm works on Angel Street have already been undertaken through the Council's Grey to Green extension,

including the creation of the through access vehicular route from King Street onto Angel Street (designed to tie into the public realm works of the previous consent for a 39-storey tower), which would remain in principle as part of any public realm works on King Street for any amended proposal. At present it is therefore not considered that the proposals can be considered to negatively affect access to neighbouring buildings.

Concerns raised regarding access, safety and disturbance during construction would be addressed by the requirement for a Construction and Environmental Management Plan (CEMP) to be submitted by condition before works commence, as discussed below.

The impact on revenue for local businesses during construction work is not a material planning consideration.

Concerns regarding the increase in people in a small area and the negative impact on local services and healthcare is noted. However, the proposal is of City Centre wide significance, which has ample services. The Community Infrastructure Levy also exists to improve services in connection with development proposals, see below.

Maintenance issues with lifts in tall buildings would not be a material planning matter that could justify refusal of a tower. This would be a private maintenance matter for the management of the building.

Concerns raised regarding the small living accommodation being a response to the current housing market conditions and the income of developers are noted. However, the proposed living conditions and the assessment against the local policy intended to create mixed communities (Core Strategy Policy CS41) are considered separately below. Some regard has to also be given to market conditions, as it is in the developer's interests to build a viable scheme that will let.

PLANNING ASSESSMENT

Planning Policy Context

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

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in September 2023 (the NPPF) is a material consideration (paras 2 and 218 of the NPPF).

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

policies in a development plan, according to their degree of consistency with the NPPF.

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

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is referred to as the “tilted balance” and this assessment will have due regard to this.

Proposed use

The previous consent for the site (ref 20/03193/FUL) is a 39-storey tower comprising 206 no. apartments (Use Class C3) and a ground floor commercial unit. The proposal in question now primarily seeks to change the scheme to a 40-storey co-living residential tower (Sui Generis), of the same general external design approach and with the same public realm works.

The proposed co-living scheme would comprise self-contained, one-bed studio units with communal living/dining areas. The 428 no. units within the tower would be arranged within clusters of generally 4 or 5 no. studios around a semi-private, shared living/dining space, for use by occupants of that cluster.

20 no. studio units would be included within the existing adjacent (Easy Hotel) building, as part of the wider co-living development. These studios would be larger and not arranged into clusters. The remaining portion of this existing building, outside the scope of the application, would remain in use as a hotel.

In addition to the communal living/dining areas within the clusters discussed above, there would be a co-working area with a ground floor unit fronting High Street and a gym at basement level, primarily for use by the occupants of the development. Both of these elements would be classed as Sui Generis, as a fundamental elements of the co-living use.

While all units would be self-contained, the proposed scheme differs to traditional residential accommodation (use class C3) in the way the accommodation is managed, and with emphasis placed on living, working and socialising within the

communal spaces provided on each floor, rather than within each private residential unit.

There lacks a clear planning definition for co-living schemes, however, nationally and locally these are generally accepted as Sui Generis uses. In this case, the proposed scheme is considered to differ enough from a traditional C3 residential apartment scheme to warrant Sui Generis classification, in a similar way to purpose-built student accommodation (PBSA), which is also generally classed as a Sui Generis use.

The 20 no. studios in the existing building would be larger and fully self-contained with no communal living/dining areas, and therefore could be considered separate C3 units. However, these 20 no. studios would also only represent less than 4.5% of the units within the whole scheme and would operate and be managed as part of the wider co-living use, benefitting from access to the gym and co-working facilities. As such these 20. No studios can be considered as part of the Sui Generis co-living use in this case.

While there is an oversupply of PBSA within the city, as evidenced by the Cushman & Wakefield report (Dec 2021), it should be stressed that the proposal is not a student specific scheme, and would be open to all potential occupiers.

The proposals include 2 no. separate commercial (use class E) units at ground floor level, 1 no. within the tower and 1 no. with the existing Easy Hotel building fronting King Street. The operators and final uses of these units are yet unknown. The general intention indicated by the applicant is that the commercial uses would supplement and support the co-living use. However, use class E would permit a range of uses including shops, cafes/restaurants, financial/professional services, sport/fitness/recreational uses, medical/health services, nurseries/day centres and offices/light industrial uses (which are compatible with residential uses).

Overall, it is accepted that the co-living scheme proposed shares similar characteristics with proposals for schemes that may contain only studios or PBSA, which would be likely to be considered unacceptable in principle due to oversupply and the requirements of Core Strategy Policy CS41 (discussed below). However, assessed on its individual merits, the proposed co-living scheme is considered to be sufficiently different to such other schemes due to its make-up and the level of amenity and internal space standards provided. These elements are assessed in the amenity and other land use consideration sections below. Essentially, while the scheme would comprise only studios, these would be generally arranged into clusters, forming smaller communities throughout the building, and would be open to all occupiers, not just students, with an acceptable level of amenity and space standards. The proposed co-living scheme can therefore be accepted in principle in this case, subject to all other considerations discussed below.

Principle of development

The site lies within the Retail Core of the Central Shopping Area, as designated by the UDP, where Policy S2 identifies shops as the preferred use at ground floor frontages.

UDP Policy S3 lists shops, offices and restaurants (which would now all fall within the new use class E) and residential uses as preferred elsewhere within the Central Shopping Area (i.e. at upper levels in this case).

However, since the introduction of class E, the above policies are considered out of date, as it is not possible to prevent changes from a preferred retail, office or food use to a non-preferred commercial use, now all within the same use class. This prevents the effective implementation of UDP Policy S10(a) which seeks to not prejudice the dominance of preferred uses in the area.

Furthermore, moving forwards there is less emphasis on retail in Castlegate due to the ongoing Heart of the City 2 development, which is nearing completion, and the recent regeneration of the Moor.

The Retail Core designation and identified UDP Policies are also less relevant following the adoption of Core Strategy Policy CS17. Policy CS17(i) seeks to reduce the retail presence in Castlegate by promoting a mix of uses in the area, including housing. As such, a residential tower with the broad range of uses permissible under Class E for the proposed ground floor commercial units (and other ancillary uses) would accord with the aims of CS17.

Generally, the proposal would accord with the aims of Policy CS17 and would assist the wider regeneration of the Castlegate area with a landmark project, which is a significant benefit of the proposal.

Despite CS17 moving the focus away from retail, Core Strategy Policy CS18 does still promote limited new retail uses on the ground floor frontages at the approaches to the Primary Shopping Area, including at High Street and, to a more limited extent, at King Street. The proposal would assist this aim, should the proposed commercial units be taken up for retail purposes. If not, other complementary commercial uses would still support the general vitality of the area without undermining the Primary Shopping Area.

The proposal would assist the aims of Policy CS27(h) which promotes the expansion of City Centre living with a mix of tenures and forming part of a mix of uses, with Castlegate identified as a suitable location. The proposal would introduce a new tenure type to Castlegate, within a mixed-use scheme with commercial uses included. These local policies and the proposals would overall assist the requirements of NPPF Section 5, which seeks to deliver a sufficient supply of homes.

These local policies are also in line with NPPF para. 86, which requires decisions to support the role of town centres by taking a positive approach to their growth, management and adaptation. NPPF para. 86(b) further supports the aims of the UDP and Core Strategy policies to define the extent of town centres and primary shopping areas and make clear the range of uses permitted. This approach is in conjunction with paragraph 86(f), which also recognises the role that residential development can play.

Emerging Local Plan

The emerging Local Plan was submitted to Government for examination in October 2023. The Plan allocates the site (allocation ref: CW11) as a Strategic Housing Site. The site lies within the proposed Central Area Flexible Use Zone, where Policy VC3 identifies housing (including shared HMO type housing) and commercial (E class) uses as acceptable. While co-living residential uses are not specifically mentioned, the overall proposal would not appear to be at odds with this proposed future policy, which generally supports residential (including shared type housing) and commercial uses.

The site lies in the proposed Central Sub-Area (Castlegate Character Area), where Policy CA2 seeks to deliver approximately 1,845 homes (including the full mix of residential types) and 2.1 hectares of employment land (through a combination of existing planning permissions and new site allocations). The proposal would therefore assist this aim of the emerging Local Plan. The policy also promotes improvements to pedestrian routes and opportunities to expand to the Grey to Green scheme, which this proposal would also directly support.

In addition to the above, the site lies in the proposed Castlegate Priority Location, where Policy CA2A seeks to deliver the site allocations (including CW11), which would equate to around 330 new homes and approximately 1 hectare of non-residential development in a truly mixed neighbourhood, integrating a variety of complimentary uses and necessary community facilities.

While limited weight can be attributed to these emerging, unadopted plans at present, they highlight the likely direction of travel. The proposal would clearly assist the future aims of these policies, should they be adopted as drafted, by providing a mixed residential and commercial development. Castlegate does not contain any co-living schemes, and the proposal could therefore be considered to assist with the mix of residential types offered.

It is noted that emerging Policy NC5 would be relevant, which aims to create mixed communities, however, the implications would be similar to those as addressed below in relation to current Policy CS41.

Other land use considerations

The site lies within an area where no affordable housing contribution is required.

The site has been previously developed and therefore new homes developed on the site would contribute to meeting the objective of Core Strategy Policy CS24, which seeks to maximise the use of previously developed land for new housing.

Core Strategy Policy CS26 aims to make efficient use of land for new homes and states that the appropriate density for sites in the City Centre is at least 70 dwellings per hectare. The proposed co-living tower would result in a density well in excess of this requirement, which is welcomed in this highly accessible, well serviced City Centre location.

These Core Strategy policies and the proposals put forward are in accordance with NPPF para. 124 which requires decisions to support development that makes effective use of land, and specifically in this case part (c) which requires the availability and capacity of infrastructure and services and the scope to promote sustainable travel modes that limit future car use, and (d) the desirability promoting regeneration, to be all taken into account.

The Core Strategy policies and proposals are also in accordance with NPPF para. 120 which states that decisions should (a) encourage multiple benefits from urban land through mixed use schemes, (c) give substantial weight to the value of using suitable brownfield land within settlements for homes and (d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.

Core Strategy Policy CS41(a) seeks to create mixed communities by providing a broad range of smaller households in the City Centre where no more than half the homes in larger developments (60 dwellings or more) consist of a single house type. While the proposal would provide for smaller households in the City Centre, it is acknowledged that the co-living tower would entirely comprise one-bed studio units, although these would be arranged into clusters (of primarily 5 or 6 studios), while some studios would not be arranged into clusters.

However, Policy CS41 also does not specifically address co-living in the policy wording, which is an emerging tenure within the housing market. The interpretation of the policy wording is therefore unclear, as co-living as a concept post-dates the policy, which was adopted in very different housing market conditions. The policy explanatory text states that “a single house type is defined as one with the same number of bedrooms and of the same design or generally similar characteristics (eg 4-bedroom houses, 1-bedroom flats, student cluster flats)”. This could be interpreted both that cluster flats are all a single house type (regardless of bedroom numbers), as they have similar characteristics, or that they are a different house type where they have a different number of bedrooms. For completeness, both scenarios are considered below.

Clusters of 5 and 6 bedrooms/studios make up the vast majority of the scheme. These are split evenly with 37 no. clusters of each. Should these be interpreted as a different house type (due to having a different number of bedrooms), no single house type would be dominant, and the proposal would pass CS41(a).

However, it is acknowledged that there is not a significant difference in a cluster of 5 or 6 no. studios. Should these be interpreted as the same house type (due to having the same characteristics), studio clusters would dominate the proposal and it would fail CS41(a).

However, given Policy CS41 does not specifically address co-living and the interpretation is unclear, it would be difficult to substantiate a refusal on the grounds of the proposal failing to create mixed communities.

Furthermore, a refusal on these grounds is also not considered justified given there are no other co-living schemes within Castlegate. The proposal would introduce a

new tenure type to the area, assisting the creation of mixed communities at a neighbourhood wide level, rather than the site-specific level required by Policy CS41. This would assist the overall creation of mixed communities, albeit not in line with the site-specific method of the policy.

It is nonetheless unfortunate that one-bed studios (generally in similar clusters of 5 or 6) would make up the entire scheme, and a greater mix, including family apartments, would be preferable, to assist mixed communities within the development itself, especially given its size. However, the design of the scheme and its promotion of an increased level of social interaction between tenants would introduce a new and unique community within Castlegate and variety to the tenures within the housing market in this neighbourhood.

Given that weight has been attributed to the fact that this is a co-living scheme in the assessment against Policy CS41(a), a condition would prevent the individual residential units being let or sold off separately as standard C3 apartments.

CS41(d) states that mixed communities will be promoted by limiting new or conversions to hostels, purpose-built student accommodation and Houses in Multiple Occupation where the community is already imbalanced by a concentration of such uses or where the development would create imbalance. The policy states that this objective will be achieved by limiting the forms of housing set out in part (d) where more than 20% of residences within 200 metres of the application site are shared housing.

Again, interpretation of the policy is unclear, although CS41(d) does not list co-living as a form of shared housing, this tenure type post-dates the policy, and there is clearly a shared element to the scheme. Both scenarios are therefore assessed below.

Given that co-living schemes are not explicitly listed as a form of shared housing that should be limited to a 20% density within a 200m radius, and given the fact that this is a hybrid model of accommodation, with all studio units self-contained, CS41(d) could be considered to not be relevant in this case.

However, there is clearly a shared element to this model of accommodation. The density of shared housing within 200m of the site is already over 20% (approx. 33%) and this would therefore increase further with the proposal. Considering the scheme as a form of shared housing, the proposal would fail CS41(d).

However, again, a refusal against CS41(d) would be considered difficult to substantiate, not only due to the fact co-living is not referenced by the policy and the studio units are self-contained, but due to the original purpose of the policy. CS41(d) was introduced to protect existing suburbs, where there is an existing and significant residential population, from the issues associated with a dominance of shared housing. In this case, the site lies within the City Centre and in an area that does not have a significant or well-established residential population. The 33% figure is therefore taken from a low population base. As such, it is not considered justified to refuse the scheme due to an over dominance of shared accommodation, especially as the proposal would introduce a new tenure type to

the area and assist the wider regeneration and promotion of a new residential neighbourhood in Castlegate moving forwards.

Given co-living is a new tenure type, its long-term success remains uncertain. However, an example floor plan (published 07.11.22 on the planning file) has been submitted to demonstrate that a typical floor within the tower could be converted into a range of standard one-bed and two-bed residential units (use class C3), which would accord with the required GIA as per the nationally described space standards. Units within the existing Easy Hotel building could also be easily converted back to other uses given these would be created by installing new partitions within an otherwise open plan floor. This demonstrates future proofing should the co-living model become commercially unviable, which would mitigate against the building standing empty. Any future change would require planning consent.

Five year housing supply

Paragraph 74 of the NPPF requires the Local Planning Authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. At present, Sheffield cannot identify a five year supply (at the base date of 1 April 2023 the supply was 2.87 years for the period 2023/24 to 2027/28).

The "tilted balance" as discussed above therefore applies, and significant weight must be attributed to the benefits of the proposal which would significantly assist Sheffield's required supply of housing (448 no. additional units in total), given this is a key objective of the NPPF.

Commercial and ancillary residential uses

The general intention is for the uses at ground floor and basement levels to be ancillary and support to the wider co-living use, primarily for use by residents. This includes 2 no. E class commercial units and the co-working and gym spaces.

As stated, the 2 no. commercial units would fall within use class E, permitting a range of uses, as listed above. It is noted that not all potential class E uses may be of primary benefit to occupants of the development. However, the applicant has expressed the need for a commercial/market lead element to this part of the scheme to assist viability, and it is considered that occupants would likely generally benefit from the range of most likely commercial uses.

Furthermore, given the scale and prominence of a development of this nature, it is generally expected that retail or other complementary uses would be included on the ground floor of the development, assisting the aims of Core Strategy Policy CS18, as discussed above. In this case, given the location of these units, they would introduce welcome active frontage at the corner of Castle Square and King Street (currently a blank facade), further drawing footfall into this area of the City Centre and increasing the regeneration benefits of the scheme.

The inclusion of 2 no. E class units (as opposed to just Sui Generis residents'

amenity space for example) is therefore considered appropriate, especially as there would be an otherwise good level of amenity space provided within the building for residents (assessed below). The co-working and gym space would be fundamental to this provision, and it is therefore considered that these elements should be classed as part of the wider co-living use under the Sui Generis use class.

The intention is for co-working and gym spaces to also have a commercial focus and be open to the public, again for viability purposes. This is not an unwelcome feature, as it would facilitate public interaction with the scheme, opening the building up to the public and linking the development to the wider community, providing additional amenities for existing residents in the area and retain further active frontage to High Street.

Any concern regarding the ongoing future retention of the co-working and gym could be addressed by a condition to ensure that these spaces would remain as key parts of the co-living scheme, which should be retained for the primary use of occupants of the development. The classification as Sui Generis would also prevent any changes of use being made without planning permission.

The final layout of the basement within the existing Easy Hotel building (approx. 715m²) is as yet unknown, however, the applicant has committed to the majority of the space (450m²) being used as the resident's gym, with the option to utilise the rest of the basement as E class space to supplement the commercial unit above (i.e. as a commercial kitchen space, for example) if required, or as additional Sui Generis amenity space. The final layout can be secured by a condition, which would stipulate a minimum of 450m² gym space.

Regeneration benefits

Castlegate is an area in transition, with recent improvements such as the Grey to Green public realm expansion up Angel Street. However, the area still lacks a significant, established residential population and local services. The area is ideally situated for such a major landmark proposal to act as a catalyst to regeneration in the area, especially given its excellent public transport links with the Castle Square tram stop adjacent and its gateway location, just south of the Wicker.

As discussed above, the proposal would assist the aims of local policies and the NPPF in helping to introduce a significant new population into the area and provide additional local services in the form of the commercial elements of the scheme. This would significantly increase footfall and vitality in this part of the City Centre, which would assist the future regeneration of the area, in accordance with NPPF para. 124(d) which states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of promoting regeneration and change.

The proposal would support the general regeneration aims of the Core Strategy and emerging Local Plan. In particular, the proposals would assist the aims of Core Strategy Policy CS23, which promotes concentrated housing development where it would support urban regeneration and make efficient use of land and

infrastructure, and CS25, which identifies the City Centre as a priority location for new housing where it would involve mixed-use development that would support economic regeneration.

The Sheffield City Centre Strategic Vision (2022) is a document intended to inform the development of the emerging Local Plan. The proposal is in accordance with the aims of the Vision, which promotes Castlegate as City Centre gateway location, a high-density mixed-use area and a new live-work neighbourhood.

In particular, the proposals would assist the Vision's priority for large scale residential growth in Castlegate for a variety of demographics/tenure types and key worker housing. As stated, Castlegate does not have a co-living scheme and this would introduce a new tenure to the area, which may be desirable for key workers, especially young professionals, for example.

The Vision highlights public realm improvements and the expansion the Grey to Green network in Castlegate as an opportunity. The scheme's proposed public realm works around the site and to King Street would connect and complement the existing Grey to Green scheme (discussed below).

The Vision encourages Castlegate's neighbourhood transformation through mixed use, landmark developments, and highlights opportunities for increased height. The proposal represents a direct response to this opportunity.

The Vision discusses the need for retail and community facilities to support the new residential neighbourhood, and also highlights opportunities for new co-working spaces. The proposal includes these elements to support the development of the site and wider area.

As a document to inform the development of the emerging Local Plan, only limited weight can be attributed to the City Centre Vision in decision making. However, it forms an evidence base for the likely future direction of travel for the City Centre and assists in highlighting the significant and appropriate regeneration benefits of the scheme, acting as a catalyst for further regeneration in the Castlegate area and wider City Centre.

Design

The external design approach is generally as previously approved by the lapsed consent, albeit increased in scale by a single additional storey, raising from 39 to 40-storeys. At this scale, the additional storey does not make a material difference to the overall design impact or scale of the approved development, as viewed both in the streetscape and cityscape. Nonetheless, the full assessment is given below.

The site occupies a prominent corner plot, at the junction of High Street and Angel Street, addressing Castle Square, a busy node within the City Centre, with a tram stop and various bus routes converging on High Street, Angel Street and Arundel Gate.

The site comprises a modern, mid 20th Century, 5-storey building, finished in

Portland Stone with a flat roof. The buildings around Castle Square share a relatively consistent scale, and have similar materiality, built around the same period, and therefore have a clear group value that contributes to the formation of a townscape set piece.

That said, the building in question distinguishes itself through its lack of architectural quality (except for the use of Portland Stone cladding). The building occupies a far smaller footprint due to the configuration of the block, resulting in the massing to this corner of the square differing to the other, more substantial buildings. Of all the corners facing the square, the subject site therefore most readily lends itself to a variation in approach, including a departure from the established scale.

The principle of a tall building on the site is considered to be acceptable given the city centre location, the relatively high ground, the frontage onto a major focal point (Castle Square) within the cityscape, the association with transport infrastructure (tram stop), the corner location, and the ability to gain long views of the full tower, particularly from the west down High Street and the south down Arundel Gate.

The proposed 40-storey tower would be of contemporary design. The tower would predominantly comprise a concrete grid form, with vertical emphasis and a curved façade facing south-west and addressing Castle Square, infilled with floor-to-ceiling glazing and metallic (bronze coloured) panelling to the reveals.

The tower would feature a base finished in brick slips (in a tone similar to Portland stone), above a recessed, glazed commercial unit at ground floor and double-height residential lobby. The base would ground the development with brick columns, breaking up the expanse of ground floor glazing.

The base would be separated from the main concrete grid element by a glazed recess, although the brick base would also extend vertically up the northern portion of the tower to the crown, creating an 'L' shaped element, separating the tower into two main, but well-linked component parts, adding design interest. The fenestration to the brick element would be staggered and contemporary in nature, which is considered to complement the design approach and suitably break up the massing of this element, in contrast to the more ordered grid element.

The eastern elevation would feature a recessed stair core in profiled glass. The crown of the tower would be formed by the elongation of the main gridwork and fenestration, with the profiled glass stair core rising above, to be internally lit, acting as a beacon at night.

The tower is considered to be of high architectural design quality. The massing would be broken up into appropriate components, which add design interest and assist in grounding the development and creating an elegant structure in the skyline. The design, scale and form are therefore considered to be appropriate.

The proposed scale has been explored by the submission of a Townscape and Visual Impact Appraisal, with a series of agreed verified views submitted with the proposal. The appropriateness of the scale and the form are related, and the

proposal is considered to be a suitable addition to the cityscape.

By their very nature, tall buildings have a dominant impact on their local context and impose themselves on the wider area to become an enduring image of the city's skyline. Therefore, the requirement is for an exceptional standard of design detailing and materials. Large scale façade study drawings have been submitted, illustrating appropriate quality of detailing and materials, and these would be conditioned.

Portland Stone is the predominant material around Castle Square. The brick and concrete proposed would be in the tone of Portland Stone, which would complement the setting, particularly the adjoining Easy Hotel building. Full sample details of all materials would be conditioned to ensure quality.

Given the design of the tower is well progressed, large scale façade study detailed drawings have been submitted. These are considered to represent a good design quality for elements such as windows, reveals, ground floor detailing to street, podium and crown. As such, these drawings would be listed as approved under condition no. 2, to agree the principles. Nonetheless, samples and full large-scale details of all glazing and windows to the tower would still be required to ensure appropriate quality and would be conditioned.

As per the lapsed consent, full details of lighting and signage strategies for the building would be required by condition to ensure appropriate quality.

The proposal would involve 7 no. new window openings to the front and rear elevations of the existing Easy Hotel building to serve 5 no. of the proposed the studios. These openings would align with the fenestration and design detailing of the windows to the existing building and raise no design concerns. The proposal would also include a new shop fronts and entrances to High Street and King Street, which is welcome as this would add interest and active frontage to this blank ground floor elevation. Full large-scale details of all items mentioned above would be conditioned to ensure appropriate quality.

The proposal is considered to accord with the overall design principles as set out by UDP Policies BE5 and S10(d), and Core Strategy Policy CS74. These design polies are considered up to date an in accordance with the NPPF as a whole and specifically section 12 which seeks to achieve well designed places.

Conservation

The site lies just outside the City Centre Conservation Area, which finishes approx. 35m away to the west, across Castle Square, and includes the Bankers Draft public house (no. 1-3 Market Place), which is a Grade II Listed Building.

Other Grade II Listed Buildings in the vicinity (but outside the City Centre Conservation Area) include; Castle House; no. 2 Haymarket/nos. 5-7 Commercial Street; the statue of King Edward VII in Fitzalan Square; nos. 6-12 Fitzalan Square (the White Buildings); and the former Head Post Office.

A Heritage Statement was submitted given the significant scale of the proposed building and its proximity to the City Centre Conservation Area.

UDP Policy BE16 requires development to preserve or enhance the character or appearance of a conservation area. The policy also relates to developments which would affect the setting of a Conservation Area or significant views into, or out of, the Area, as is the case here.

UDP Policy BE19 states that proposals for development within the curtilage of a building or affecting its setting, will be expected to preserve the character and appearance of the building and its setting.

Chapter 16 of the NPPF (Conserving and Enhancing the Historic Environment) states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Paragraphs 194-202 are relevant and advise that the significance of a heritage asset should be considered and that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The NPPF goes on to state that great weight should be given to the heritage asset's conservation and that any harm to the significance of a designated heritage asset needs clear and convincing justification. 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.

It is considered that the principles of the local and national policies in relation to the conservation of heritage assets are somewhat aligned. However, the NPPF provides greater detail on how to assess and consider impact, including introducing the principles of substantial harm and less than substantial harm. As the local policies do not include this detail they carry only limited weight.

The scale of the development is such that it would create a prominent feature that would be visible from views into and out of the Conservation Area. Nevertheless, as previously justified, this is considered to be a suitable location for a tower given its siting at the frontage onto a major focal point, with the ability to gain long views of the full tower, particularly down High Street.

The concerns raised regarding the scale of the tower and the impact on the low scale buildings in the Conservation Area, particularly on High Street and Fargate, and the Listed Buildings previously mentioned, such as the Cathedral's spire, are noted. However, the tower would act as a landmark building in the skyline, and by its very nature, be seen and understood as such, at this appropriate location. The tower would be visible down High Street, but as stated, gaining long views of the full building is considered to be a reason to support a tall building in this location. As such the development would be appropriately viewed in this landmark setting and would not compete in and amongst or overbear the lower scale heritage buildings within the City Centre Conservation Area or detract from the special features of interest of this heritage asset.

It is concluded that the development will not be harmful to nearby heritage assets

and complies with local Policies BE16 and BE19 and the NPPF paras. 194-202.

Public realm, access and landscaping

The proposal seeks to improve the public realm around the site to benefit the setting of a residential tower. This is most welcome, as the majority of the existing public realm is of poor quality. This would include the redesign and resurfacing of the whole of the pedestrianised area of King Street, and the public highway around the base of the tower on Angel Street and High Street.

The works to King Street also need to facilitate the servicing of the tower, the provision of some of the wind mitigation measures (currently shown as 6 no. trees in the highway, the final design and details of which need to be confirmed (see wind mitigation section below), and the reinstatement of the market that operates on King Street, which were all items addressed by conditions attached to the previous consent.

Since this lapsed consent, the Council's own Grey to Green public realm works, including a segregated cycle lane, have been implemented up Angel Street, terminating at King Street. The works were amended to accommodate the requirements of the lapsed consent in terms of access/servicing and the location of wind mitigation features. The works have therefore provided a through route from King Street, turning right onto Angel Street, for the occasional use by service vehicles. The current scheme would continue the proposed use of this turning facility.

The wind mitigation measures are in a fixed position dictated by the microclimate study and cannot be moved, although the design and appearance could, and probably would, need to be varied, as the Local Planning Authority maintain reservations regarding the use of trees for wind mitigation purposes (see wind mitigation section below).

Although the recent Grey to Green works are not reflected on the submitted plans, and the final design of the wind mitigation measures is as yet not confirmed, the fixed positioning of the wind mitigation measures would unlikely create significant conflict with the adjacent cycle lane or turning facilities, as these have been factored into the Grey to Green works. In addition, the wind mitigation measures would maintain a minimum distance of approx. 3m from the Videogame Museum entrance and shop fronts on King Street, which would provide sufficient space for pedestrians.

The renovation and reorganisation of King Street is required to enable the servicing of the tower (discussed further in the highways section below). As per the previous consent, it is envisaged that King Street would operate as a shared vehicular/pedestrian space, with the King Street Market reinstated back on the site. The market operates from demountable gazebo stalls, which would be utilised on the reinstated market. Only refuse vehicles would likely be permitted on King Street, in a one-way system exiting onto Angel Street, the junction for which has now been installed, as discussed above.

In addition to not showing the latest Grey to Green public realm works and junction arrangement onto Angel Street, it is accepted that the landscape works indicated on the plans for the wider public realm are generally basic and lack quality and detail, and would not be acceptable as presented.

The proposals for the public realm works would be expected to use the same palette of materials and to tie in with the design and layout of the Grey to Green scheme. It is also vital for any final scheme to maintain no conflict between the location (and design) of the wind mitigation measures, and the pedestrian environment and cycle lane, and entrances and shop fronts, should any amendments be required to the junction, for example.

Nonetheless, full and final details can be conditioned, as previously required by the lapsed consent. The proposed tower occupies the same footprint as the previous consent and the landscape plans have not progressed or developed since that consent. No landscape plans were previously approved and full details were conditioned as part of Section 278 highway works, as this was not (and still is not) a final, worked up plan.

Other public realm works to be acknowledged by the applicant in the redesign of the scheme are the Council's proposed works to Castle Square. Although these would be entirely separated by the carriageway of Angel St/High Street and would not interact directly with the proposed public realm works, coherency between the schemes would be welcomed.

The proposed public realm works would be secured by a Grampian condition which will require the applicant to enter a Section 278 agreement under the Highways Act to deliver the finally agreed scheme. This is because the full extent of the highway is under the control of the Council and we can therefore ensure an appropriate layout and quality as part of the final design details. As such the development would accord with UDP Policy BE6.

A vital point for consideration would be the arrangements for the ongoing maintenance of the crucial wind mitigation measures. These will clearly need to be retained for the lifetime of the development and any damaged features would need to be replaced as a matter of urgency. Therefore, the aforementioned condition would require the arrangements for this to be agreed with the highway authority (i.e. the Council).

In terms of access to the building itself, while the design and access statement refers to level access being provided at the external doors, the submitted details are unclear. However, as a new building, providing level access would be possible. The accesses would also need to be suitably wide (minimum 1000mm effective clear width) to provide inclusive access. As a new building, level and suitable wide accesses would be expected at all main entrances of the tower, including the residential lobby and commercial unit. If feasible, new entrances to the existing building should be upgraded where necessary to provide a level and suitably wide access. As per the previous consent, full details would be conditioned in order to ensure that the proposal accords with UDP Policy BE7, and NPPF para. 130(f), which requires developments to be inclusive and accessible.

Highways

The site lies within an extremely accessible location, with excellent links to public transport routes, including the Castle Square Supertram stop directly outside. The site is within easy walking distance from services and amenities within the City Centre.

The proposal would not feature any off-street car parking while some parking (or at a minimum some disabled parking) would be desired, this cannot be reasonably accommodated on the site. However, car free schemes are entirely acceptable in the City Centre and parking restrictions would prevent any unsafe parking around the site (and wider City Centre).

It would be the responsibility of any car owner to park legally, and it would be clear that the accommodation does not offer parking before any prospective tenant took on a lease. There would therefore be no on-street parking pressures or highways safety issues created or in the area.

Conditions would require a Travel Plan to be submitted to demonstrate how the developer would promote sustainable transport for residents given the lack of parking. For this reason, it is highly unlikely that residents would be eligible for City Centre parking permits, to avoid on street parking pressures, however, this would be determined by Parking Services and is not a planning consideration.

The South Yorkshire Combined Mayoral Authority stated that the submitted Transport Statement references the Supertram system, and South Yorkshire Passenger Transport Executive would welcome a proportion of investment (circa £75,000.00) in order to provide new and improved facilities at Castle Square tram stop to increase the attractiveness of this public transport option. The LPA consider this to be a justified request, given the size of the development, the close proximity of this tram stop, and the lack of dedicated parking, there would likely be a heavy reliance on public transport, particularly the Castle Square tram stop. The applicant has agreed to make the financial contribution, which is most welcomed, and the development would secure public transport infrastructure improvements.

A bike store would be provided for residents. The proposal does not provide the number of cycle parking spaces required by the current cycle parking guidelines (i.e. 1 space per unit). However, following consultation with the highways department, it is considered that provision of 448 no. cycle parking spaces would be excessive and the cycle store shown (118 no. spaces in a store of approx. 48m²) is more aligned with the current modal split. The cycle storage facilities are therefore acceptable and full details would be conditioned.

It is accepted that the development will generate some additional vehicular movements, primarily servicing, but also potentially taxis etc to the residential element, however, the Transport Statement submitted for the lapsed consent demonstrated that the anticipated additional movements would have a negligible impact on the overall operation (safety and capacity) of the adjacent highway network.

The proposal is now for 448 no. co-living studios, which would generate a higher number of vehicular trips than the previously consented scheme (206 no. apartments) due to the increase in the number of residential units. The submitted Transport Assessment demonstrates that the increase would be in order of an additional 21 no. vehicles in the AM peak and 23 no. vehicles in the PM peak. Given the location of the site, it is not considered that such an increase would have a materially greater impact on the highway network than the lapsed consent, which was concluded to be negligible in any case.

As alluded in the landscaping section above, the proposals for servicing remain as previously approved, with servicing (refuse) to be undertaken from King Street. In principle, refuse vehicles could enter a shared vehicle/pedestrian environment on King Street from the east, service the site from there and exit onto Angel Street. However, as previously stated, the Council's Grey to Green works have facilitated the alterations (as required by the lapsed consent and this proposal) to the King Street and Angel Street junction alongside the Grey to Green scheme. The use of a 'grampian' condition to secure the wider works, plus any minor amendments to the junction should these be required, is reasonable.

Separate commercial and residential bin stores would be provided within the buildings, accessed off King Street to reflect the servicing arrangements discussed above. This is shown on two refuse strategy plans. Amendments have reduced the size of the commercial bin store within the tower due to the location of a substation. According to the applicant, the bin storage facilities within the building are considered to be adequate with a management strategy in place. It is unknown at this stage whether collections would be via the Local Authority or private, however, it would be for the developer to arrange this and the collection frequency could be increased to reflect storage capacity, for example. As such, the above arrangements shown on the refuse strategy plans would be conditioned to secure the provision of the separate bin stores, alongside full details of a management strategy. This would prevent bins being stored in the highway and causing obstruction.

It is noted that there may be safety concerns regarding this pedestrian environment being shared by refuse vehicles, however, waste collections would only be very occasional, and are unlikely to be undertaken during busy times when the market is in operation.

The remaining servicing, including to the E class commercial units, would need to be undertaken from the bottom of King Street. However, given the small scale of these units, this is not considered to be unreasonable. A condition would require details of servicing to be submitted to ensure appropriate arrangements are in place (see noise section below).

It should be noted that as the highway boundary currently abuts the wall of the existing building it would be necessary for a small area of highway to be formally closed. The closure can be implemented under S247 of the Town and Country Planning Act as the land is required for the development to be carried out.

Overall the proposal is not considered to be incompatible with the aims of UDP Policy S10(f), which requires developments to be served adequately by transport facilities and provide safe access to the highway network, appropriate off street parking and not endanger pedestrians. While no off-street parking is provided, this is not considered to be inappropriate.

This is consistent with the NPPF, which also promotes sustainable transport, but clarifies in para. 111 that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case the impact has not been demonstrated to be unacceptable or severe.

Public Art

The development is of a scale to require the inclusion of public art. Rather than standalone artworks, successful public art integrates high quality design, craftwork and materials into the building and/or landscape works. In this case, it is expected that the public art would take the opportunity to add to the pedestrian experience and link to the Grey to Green scheme on Angel Street and Castlegate. There are opportunities for public art in the public realm on King Street and Angel Street and also in elements of the building that have a direct interface with pedestrians. Full details would therefore be conditioned in order to accord with UDP Policy BE12.

Living conditions and amenities of the locality

The following analysis of living conditions and the impact of the development on the amenities of the locality is broken down into the relevant sections and summarised against the policy requirements at the end.

Living conditions

The proposal for a co-living tower is substantially different to the extent consent (for standard residential apartments) in terms of the nature of the internal living conditions provided.

The proposal includes 428 no. self-contained studios arranged into clusters within the tower, with each cluster having a shared additional living/dining area. 20 no. larger, self-contained studios are proposed within the existing building, not arranged into clusters, with no additional living/dining areas.

The Nationally Described Space Standards are not adopted policy in Sheffield, and do not relate to co-living schemes. However, they are used here as a tool to demonstrate whether the general living conditions proposed are of suitable standards overall.

The national standards state that a one-bed one-person dwelling should have a minimum GIA of 37m² where this has a single storey and contains a shower room (as opposed to a separate bathroom), as is the case here.

All 20 no. studios within the existing building (not arranged into clusters) would

have a minimum GIA of approx. 37-38m², according with the standard, with 6 no. studios in excess of the standard (ranging approx. 41m² to 55m²). While these studios do not have access to additional living/dining areas, this can be accepted as they would be entirely self-contained and accord with national space standards. The studios would also have access to the co-working and gym space and would be managed as part of the wider co-living use.

These 20 no. studios were originally proposed as being accessed off shared lounge/amenity areas, which were essentially enlarged corridors/circulation space with no outlook or natural daylight. However, this has been omitted due to fire safety requirements. The omission of this space is accepted as this has improved the internal size of the proposed studios and the amenity space was low quality with no outlook in any case.

It is noted that the majority of these studios show a small mezzanine level, taking advantage of the high head height within the existing building. This space is not included in the space standards given above and is intended for additional storage use.

In terms of the clusters within the tower, each floor of the tower is generally made up of 1 x cluster of five studios and 1 x cluster of six studios, with the layout mirrored on each floor. It is acknowledged that each studio within the cluster arrangement, while being self-contained, would be particularly small. The studios would generally range from approx. 18m² to 20m², with some slightly larger. This is well below the 37m² required by the national space standard. However, each cluster would have a shared living/dining area generally either approx. 27m² (five studio cluster) or 30m² (six studio cluster).

In this case, a six studio cluster would have a total GIA of approx. 181m², and a five studio cluster would have a total GIA of approx. 145m². Comparing each cluster against a standard C3 apartment of equivalent size, the national standard requires the largest 6-bed (8 no. person, single storey) dwelling to have a GIA of 121m², and the largest 5-bed (8 no. person, single storey) dwelling to have a GIA of 125m². In both cases the overall GIA of each cluster would be well in excess of the standard for a C3 dwelling of the equivalent size.

The other 3 no. clusters (1 x four studios, 1 x 7 studios and 1 x 10 studios) would all provide a similar level of internal amenity, exceeding the equivalent national standard, and are also considered acceptable.

Overall, it therefore must be concluded that the proposed co-living scheme generally provides a good level of internal amenity compared to the nationally described requirements for an equivalent C3 scheme.

While the individual studios are accepted as small, what the proposal does do is alter the ratio between private and communal space compared to what would traditionally be expected in a standard C3 or HMO scheme. The national standard states that in order to provide one bedspace, a single bedroom must have a floor area of at least 7.5m². However, in this case, each cluster would offer a small, shared living/dining area and a small, private studio space, but the level of private

studio space would be higher (minimum approx. 18m²) than a typical bedroom in a standard shared dwelling, such as a HMO. With the studio being self-contained, this gives residents flexibility and choice in how to live and socialise. The overall offer is also supplemented further by the co-working and gym space.

While it may remain to be seen how successful co-living schemes will be in the long term, it cannot be concluded in this case that the internal space standards are substandard or unacceptable, utilising the nationally described standards as benchmark to demonstrate this. In addition, as previously stated, it has been demonstrated that the building can be easily converted into another residential arrangement in future if required (which would be subject to planning permission).

All studios would offer an outlook from a proper window and good levels of daylight amenity, as would the shared living/dining areas to each cluster. Where new windows need to be provided to the existing building, this would be conditioned to ensure provision before occupation.

It is noted that no balconies or outdoor amenity space would be provided, which is unfortunate, however, this is not uncommon in City Centre apartment schemes, and there is no policy requirement for this. The development would be in close proximity to various public spaces in and around the City Centre (i.e. Cathedral approx. 3m walk; Peace Gardens approx. 6m walk; South Street Park approx. 7m walk; Devonshire Green approx. 12m walk) and therefore the development can be accepted without such outdoor amenity provision.

The proposed scheme also represents other improvements in the living conditions compared to the previous consent. A small number of consented one-bed/studio apartments had a substandard outlook, which was not ideal but was reluctantly accepted given the small number of units affected. This is not the case here, as all main habitable rooms have an appropriate outlook. Furthermore, the lapsed consent created an internal overlooking issue between neighbouring apartments over the recessed stair core to the eastern elevation. This was reluctantly accepted due to the privacy issue being contained within the development itself. However, this has also been designed out of the scheme, which now presents no internal privacy issues for future occupiers. Both these amendments are welcomed.

Privacy of neighbours

The addition of a 40th storey would not have a material impact on privacy levels compared to the previous consent. The development would maintain a distance of approx. 14.2m away from the façade of the Castle House/Kings Chambers building to the north on King Street. While the development would present main habitable windows facing those of these existing neighbours, again, the separation of 14.2m is considered to maintain acceptable levels of privacy for both existing and proposed neighbours in this City Centre scheme, where suburban levels of privacy cannot be expected.

Noise and odours

The site lies within a busy City Centre location, where background noise levels are

high due to street activities, such as the King Street market, traffic, including buses and trams, and commercial uses in the vicinity.

A noise report has been submitted which is considered satisfactory. A condition would require a scheme of sound attenuation measures to be installed within the residential accommodation, based on the findings of the report, to achieve appropriate noise levels within the accommodation. This would ensure suitably quiet living environment for future occupants of the proposed building in this busy location.

The lapsed consent included a condition that also required sound attenuation measures to be installed within the proposed ground floor commercial unit to limit noise breakout to acceptable levels from potentially noisy commercial uses. However, the previous consent included permission for a drinking establishment or takeaway, which are generally noisier and later uses but no longer included here. A condition limiting amplified music to background levels is considered sufficient in preventing noise breakout from the commercial units in this case.

Any noise from the gym to other portions of the building would entirely affect the applicants own tenants, given the gym is a fundamental part of the co-living use, and this element would therefore be self-regulating, with no further controls required.

Given the commercial units would be directly below residential properties, and given activities in the street, with customers coming and going in the very early hours (when background noise levels are lower potentially causing unreasonable noise disturbance), a condition would limit opening hours from 0700 to 0030 on any day. This is in line with the lapsed consent. This would be reasonable in this City Centre location, but would prevent activity at antisocial hours causing likely disturbance to residents.

Any potential commercial food use (restaurant or cafe) of the ground floor units would require fume extraction equipment to be installed to ensure fugitive cooking fumes and odours do not cause disamenity for residents within the tower or wider area. The applicant has confirmed that riser provision would be available for the commercial unit within the existing Easy Hotel building, which would avoid the need for external flues, which would not be acceptable from a design perspective. Full details of the equipment to control the emission of fumes and odours would therefore be required by condition before any such use were to commence.

There would be no such riser provision for the commercial unit within the tower, although the applicant has acknowledged that this unit is likely to be too small for a commercial kitchen in any case. It is therefore envisaged that any food and drink use of this unit would take the form of a coffee shop, for example. While it is unlikely that a flue could be utilised for this unit, the condition mentioned above would still require details of any equipment to control the emission of fumes and odours before any food use within this unit would commence. The condition would therefore allow the LPA to ensure any equipment and cooking methods would be suitable.

A condition would require a Construction Environmental Management Plan (CEMP) to be submitted to assist in ensuring that all site activities are planned and managed to prevent nuisance and minimise disamenity for existing neighbours during construction, primarily the Kings Chambers accommodation at 1-3 King Street, directly facing the site. This has been amended to include the requirements of SYPTE and Supertram, as the network must remain safe and operational throughout construction, given this runs directly in front of the site.

A condition would require a delivery, servicing and refuse management plan to be submitted for commercial deliveries and associated activities, and set out procedures and controls designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable, in order to ensure the amenities of existing residents, and future residents of the proposed tower are safeguarded.

Microclimate and wind

Given the scale of the building, the development has the potential to have serious implications on the microclimate, including the creation of significant wind, daylight and overshadowing issues. However, the proposed 40-storey tower would take the same form as the 39-storey previous consent, and would only comprise a single additional storey.

In summary, the proposed additional storey would not have a significant impact on daylight and overshadowing or the microclimate at lower levels over that of the lapsed consent, which itself was demonstrated to be acceptable.

Updated documents (overshadowing and daylight report, pedestrian level wind assessment and a microclimate assessment) have been submitted to demonstrate this.

The results of the “Sun on Ground” analysis and the “Transient Shadow” assessments maintain that the proposed development will have little or no impact on levels of direct sunlight to the adjacent pedestrianised areas to the north (King Street) or west/north-west (Market Place/Angel Street) of the application site, which also accounts for an extant planning consent for additional massing at the neighbouring site at 50 High Street. This was the conclusion made regarding the previous consent and demonstrates that the proposed additional storey would not materially alter this assessment.

In terms of daylight, the submitted solar analysis makes the same conclusions as before. It demonstrates that it would be only around midday to 13:00 when the tower would cast a direct shadow onto the whole of this neighbour’s southern elevation (which directly faces the rear elevation of the proposed tower). In the morning and afternoon, the sun would be to the east and west respectively, with direct daylight onto the southern elevation. While there would clearly be transition between these times, casting varying degrees of shadow, it is demonstrated that the tower would not block direct daylight to the most affected neighbour through the whole day. The most significant impact would be limited to the middle of the day. The existing building will also have some overshadowing impact on this neighbour, especially at midday given its close proximity immediately to the south

and similar height. Therefore, overall the impact on daylight and overshadowing to this, the most affected neighbouring property, is not considered to be unacceptable or unreasonable given the setting and existing scenario.

It was concluded that the development of a 39-storey tower would reduce some daylight to, and impact on the outlook of, the Castle House/Kings Cambers residential building to the north. However, the existing 5-storey structure on the subject site is at similar height to this neighbouring property, and it was not considered that the additional vertical massing would result in a significant reduction in outlook compared to existing. The addition of the proposed 40th storey here would not materially change this conclusion regarding neighbouring outlook.

The amended proposal seeks to increase the height of the tower by an additional storey (approximately 6m higher than the lapsed consent). All other parts of the design remain consistent with those previously assessed and the proposed mitigation measures at ground level remain unchanged.

The wind microclimate report from the previous consent has been resubmitted, with an updated statement confirming the previous assessments remain valid. In summary, while an increase in height typically results in an increase in wind speeds being down-washed to ground level, in this case, the development's slender/curved design promotes horizontal flow around the building rather than downwards.

As a result, wind speeds at ground level, in and around the site are not expected to increase (compared to the scenario of the previous consent) due to the relatively minor additional proposed height. All previously proposed wind mitigation measures remain fit for purpose. The assessment from the lapsed consent therefore remains valid, as follows.

Wind tunnel modelling has been undertaken and the microclimate report concludes that when the proposed development is completed, wind speeds would increase (compared to the existing scenario) in and around the site due to the significant difference in height between the proposed development and the surrounding buildings. This would result in several thoroughfare locations, entrances to the proposed development and some to surrounding buildings becoming windier than desired or exceeding the threshold for pedestrian safety.

However, a mitigation strategy was developed through further iterative testing, and this, and the design of the building (a slender tower with a curved south-western corner, where the prevailing south-westerly winds are encouraged to flow around the tower rather than being down-draughted to ground level) would reduce wind speeds at windier than desired locations and eliminate any safety exceedances in accessible areas.

The following measures are proposed:

- 1m canopy around the southern, western and northern elevations
- 1.5m fin at the south-western main entrance

- 1.5m solid fin at the north-western corner with an additional 1m porous extension
- Six 6m tall deciduous trees along Kings Street, on the opposite side of the road
- Three 3m long, 1m high 50% porous screens between the four easternmost deciduous trees

The report notes that despite these measures there would be one surrounding building entrance which would be one category windier than desired wind conditions (in terms of comfort), but this entrance would remain safe for pedestrian use. While not ideal, this can therefore be accepted.

However, as per the lapsed consent, the Local Planning Authority remain concerned regarding the proposed use of trees in the public realm for wind mitigation purposes, mainly due to maintenance issues.

Discussions with the previous developer as part of the lapsed consent demonstrated that it could be possible for mitigation measures to be of a different design (the principle of a sculptured, metal 'tree' was presented, for example), but these have to be in the locations specified. While the applicant here is different, the principle remains an option, and should be explored further by condition.

The Council's Grey to Green scheme was amended to factor in the fixed location of wind mitigation measures, as well as the required junction alterations, and this has largely addressed previous concerns regarding the location of these features causing potential conflict with the cycle lane, for example.

However, the design of the features, given the proximity of the cycle lane, junction and entrance to Castle House requires measures here to be carefully considered to prevent unnecessary obstruction. As such, while the findings of the report can be accepted, the final design of the mitigation measures themselves would require further consideration to demonstrate full compatibility with the Grey to Green scheme and ensure pedestrian and cyclist safety. Full details of the wind mitigation measures would therefore be required by condition, as per the condition attached to previous consent.

This would need to be accompanied by an updated microclimate assessment to demonstrate the suitability and effectiveness of the measures, and the timescale for their implementation, at an agreed phase of construction. The LPA reserve concern that other works in the vicinity of the site, such as planned public realm works to Castle Square, may affect the findings of the wind assessment, and any such changes to the built environment would also need to be addressed in the updated microclimate assessment.

Living conditions and amenities of the locality summary

Overall, as per the assessments above, the development would provide sufficient living conditions for future occupiers of the development and existing neighbours. The proposal for a 40-storey tower would not have a material impact on the issue of privacy, daylight and overshadowing, over and above that of the previous

consent for a 39-storey tower.

Given the proposal would provide sufficient living conditions for future occupiers it would accord with UDP Policy H5(b).

Subject to the controls and conditions listed, the proposal would accord with UDP Policy S10(b) and H5(a) not cause residents or visitors to suffer from unacceptable living conditions, including air pollution, noise, or other nuisance. The proposal would accord with the NPPF para. 185(a), which requires decisions to mitigate and reduce the potential adverse impacts resulting from noise from new developments on quality of life.

Wind mitigation measures would be conditioned, as discussed above, to ensure a comfortable and safe impact on the microclimate in the vicinity of the building at ground level.

Drainage

The site lies within Flood Zone 1 and therefore does not lie in an area at high likelihood of flooding. However, Core Strategy Policy CS67 requires all developments to manage the impact of flooding.

A drainage strategy report has been submitted, reviewed by the LLFA, and it is considered that the principle to discharge to public sewer is acceptable, however, the proposed pumping solution uphill to Angel Street is not accepted and it is noted that the tank calculations are incorrect. It is considered that the site should be possible to drain by gravity due to its elevated position and the range of surface water disposal options available in King Street. Additional surveys are also required to establish existing drainage infrastructure.

It is recommended that the site considers incorporating a blue or green roof and/or rain gardens in public realm, similar to the SuDS provisions on Angel Street.

Nonetheless, despite the shortcomings in the submission, full and final details and calculations can be appropriately secured by condition, in order to ensure the development has an appropriate flood risk and drainage impact in accordance with Core Strategy CS67, which can be afforded substantial weight as it is in line with the NPPF paragraph 169, which requires major developments to incorporate sustainable drainage systems.

Yorkshire Water have objected to the proposed tree planting over the public sewerage system. Yorkshire Water's consider that this could jeopardise their ability to maintain the public sewerage network and is not acceptable. They requested that the site layout is amended to allow for adequate protection of the sewers.

When considering the lapsed consent, Yorkshire Water previously objected but the reason given was in order to protect the structural integrity of the pipework from tree root infestation.

Although, as before, the siting of trees, or any other public realm works, is not

actually to be approved here, with full details secured by condition, it is clear from the information submitted that it remains the intention for trees to be planted within 5m of sewers, and this therefore must be mitigated.

The applicant has provided an additional statement confirming that planting is necessary for wind mitigation purposes, but the risk of damage to the YW asset would be mitigated through the introduction of a root barrier system. Given this, and the fact that the proposal is otherwise no different to the lapsed consent in terms of the impact on the sewers, it is not considered reasonable to refuse the scheme on this basis, with the condition reattached. However, the condition would be amended to address both concerns raised (tree roots and maintenance access) and require full details should trees need to be planted over any sewers.

The previously attached condition requested by Yorkshire Water regarding surface water run-off passing through an interceptor has not been reattached due to LLFA advising that SuDS should be being used instead, and the conditioned details would cover all items in any case, without the need to be overly descriptive.

Ecology

An ecological appraisal is not required on this small urban/built site, which comprises no landscaping, trees or greenery. However, all developments are required to provide net gain for biodiversity, in accordance with the NPPF section 15. No ecological enhancement information has been submitted. Any ecological interventions would provide a net gain. Green roofs, additional tree planting in the public realm, living walls at ground level, bird or bat boxes or a raptor platform could all be ways in which this development could contribute to net gain in this urban setting. Nonetheless, full details would be conditioned in order to ensure the development accords with UDP Policy GE11.

Archaeology

The archaeological submission has thoroughly considered the available evidence and concludes that there is a low likelihood of archaeological evidence surviving under the present structure, although there is the possibility of deeply cut features. As such, it is possible that archaeological evidence could be disturbed during associated groundworks, particularly outside the footprint of the existing building, which could be affected by the proposals. Any such remains would be of archaeological interest, helping us to understand the development of the city from the medieval period onwards.

While a draft Written Scheme of Investigation (WSI) for archaeological investigation has been submitted, the South Yorkshire Archaeology Service require some aspects to be amended, and this would be addressed by condition, to secure an appropriate WSI and archaeological investigation, as per the previous consent.

Land Quality

A Phase 1 Geotechnical report has been resubmitted (Phase 1 Geoenvironmental Appraisal, Patrick Parsons, December 2016) which was originally submitted for the

previous consent.

While the report was previously accepted, following review by the Council's senior land quality officer, the contaminated land risk assessment has not been undertaken in line with LCRM, or its predecessor CLR11. Additional information is therefore required regarding the conceptual site model and risk assessment, including detailed source-pathway-receptor linkages.

It is noted that a Phase 2 Site Investigation is recommended, although this is primarily for geotechnical purposes. As such, the full set of land quality conditions would be required (beginning with an updated Phase 1 report) to ensure that the site is appropriately investigated, and where necessary, remediated, to ensure it is fit for its intended use.

In terms of the geotechnical implications, although the site does not lay within the Coal Authority High Risk Area, the report advises that the site is underlain by coal measures, which could have been worked in the past. The report identifies a 1.3m void at a depth of 43m, which could be abandoned workings, but the report states that this is not considered to be a significant risk to the site.

It is the developer's responsibility to ensure any such features are appropriately accounted for and remediated, in liaison with the Coal Authority. Given the site lies outside a Coal Mining Referral Area and the risk is considered to be low, it would not be proportionate or reasonable to add full conditions requiring coal mining legacy to be investigated, and an advisory directive will be added.

The above considerations would ensure that the proposal accords with the NPPF para. 183 and the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Sustainability

The submitted sustainability statement details a number of measures and recommendations that would be incorporated into the build to ensure it accords with Core Strategy Policy CS64 and reduces emissions of greenhouse gases and functions in a changing climate. As such, this statement would be required to be adhered to by condition. The statement confirms that connection to the district heating network would be considered as an option.

Core Strategy Policy CS65 requires all significant developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. The submitted strategy states that the reductions required by CS65 would be achieved via a fabric first approach, which is acceptable in principle, and full details would be conditioned.

However, document refers to Building Regulations Part L 2013, and there was an uplift to Part L in June 2022, and this will need to be factored into the final calculations as part of the condition, although it is unclear what amendments would be needed to meet the requirements of the condition following the uplift. Nonetheless, the condition would need to be attached for this to be fully explored

and secure the maximum viable reduction.

These Core Strategy policies are consistent with the NPPF, section 14 which requires the planning system to support the transition to a low carbon future in a changing climate, and can therefore be given substantial weight.

Employment and Skills

Sheffield City Council requires the developer to deliver employment and skills outcomes as a result of this major development. Prior to the commencement of the development, a condition would require the developer to submit an inclusive Employment and Development Plan, covering the construction phase, which will be designed to maximise the economic and social benefits for local communities from the proposed development.

Fire Safety

A statement and amended plans have been submitted in response to concerns and objections raised by the Health and Safety Executive (HSE) to the proposal as initially submitted. Fire safety concerns raised by objectors are also noted in terms of the proposed single access stair.

Amendments now propose two fully separated, interlocking stairs. The applicants statement confirms that although the two stairs are situated within the same footprint, they are effectively two independent, conventional stairs. As a riser outlet would be provided in both, the fire service can choose which stair to use as the firefighting shaft, with the other used as the escape stair. Protected firefighting lobbies, from which both stairs would be accessed, would provide a mechanical smoke ventilation system to maintain both stairs free of smoke.

These arrangements are accepted by the HSE. The floor plans would secure the stair arrangement, however, the applicant's response confirming the above would also be listed as an approved document under condition no. 2 to approve the arrangements.

The proposal is therefore considered to be acceptable from a fire risk and land use planning perspective. The development would also need to accord with all relevant Building Regulations.

Broadband

A condition would be included to secure the provision of gigabit-capable full fibre broadband within the development, in order to ensure that all new major developments provide connectivity to the fastest technically available, as per NPPF para. 114.

Community Infrastructure Levy

CIL is a planning charge introduced as tool to help local authorities deliver infrastructure to support development.

The site lies within the CIL Residential Charging Zone 4 where the development of residential floor space (Use Classes C3 and C4) is liable for CIL payments at £50.00 per square metre, plus the national All-in Tender Price Index for the calendar year in which planning permission is granted in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

SUMMARY AND RECOMMENDATION

Current UDP Policies S2 and S3 are out of date since the introduction of use class E. There now is less emphasis on retail in Castlegate due to other retail-led developments elsewhere in the City Centre and the adoption Core Strategy Policy CS17(i), which promotes a mix of uses in Castlegate, including housing. As such, a residential tower with a range of possible commercial uses, and other ancillary uses, for the ground floor commercial units (which still could include retail according with Policy CS18) is acceptable in principle.

The emerging Local Plan allocates the site as a Strategic Housing Site, within the proposed Central Area Flexible Use Zone, where shared housing and commercial uses would be acceptable, and within the proposed Central Sub-Area, where homes and employment land would be delivered. While limited weight can be attributed to these unadopted plans, the proposal would assist emerging future aims.

The proposal would assist various other strategic aims. Policy CS27(h) promotes the expansion of City Centre living with a mix of tenures and uses in Castlegate. CS24 seeks to maximise the use of previously developed land for new housing. The proposed density would exceed requirements and accord with CS26 which seeks to make efficient use of land for new homes, which is welcomed in this highly accessible, well serviced City Centre location. NPPF para. 124 requires development to make effective use of land accounting for the availability and capacity of infrastructure and services, sustainable travel and the promotion of regeneration. NPPF para. 120 requires decisions to encourage multiple benefits through mixed use schemes, give substantial weight to using brownfield land for homes and support the development of under-utilised land and buildings to meet housing need.

As Sheffield cannot currently identify a five-year housing supply, the “tilted balance” applies, and significant weight must be attributed to the benefits of the proposal which would significantly assist Sheffield’s required supply of housing (448 no. additional units in total), given this is a key objective of the NPPF and Section 5 which seeks to deliver a sufficient supply of homes.

The proposal accords with the aims of the City Centre Strategic Vision, which demonstrates that a high density, residential-led, mixed use development is appropriate and the area is ideally situated for a major landmark proposal to act as a catalyst to regeneration, especially given its public transport links and gateway location. Policy CS23 promotes housing development where it would support urban regeneration and make efficient use of land and infrastructure, and CS25 identifies the City Centre as a priority location for new housing through mixed-use

developments to support economic regeneration.

The interpretation of Core Strategy Policy CS41 in relation to co-living schemes is unclear and it is unfortunate that one-bed studios (generally in similar clusters of 5 or 6) would make up the entire scheme. However, in terms of CS41(a) the proposal would introduce a new tenure type to the area, assisting the creation of mixed communities at a neighbourhood wide level. The density of shared housing within 200m of the site is already over 20%, and considering the scheme as another form of shared housing, this would increase further. However, a refusal against CS41(d) cannot be reasonably substantiated as co-living is not referenced by the policy, the studio units are self-contained and the site lies within an area of the City Centre that does not have a significant or well-established residential population.

The site occupies a prominent corner plot at a major City Centre node and is an appropriate location for a tall building. The proposed 40-storey contemporary tower is of high architectural design quality. The massing would be broken up into appropriate components, which add interest, ground the development and creating an elegant structure in the skyline. The design, scale and form are therefore considered to be appropriate. The proposal is considered to accord with the overall design principles as set out by Policies BE5 and S10(d), and CS74.

The site lies just outside the City Centre Conservation Area and in proximity to various Grade II Listed Buildings. However, the tower would act as a landmark in the skyline, and be understood as such, at this appropriate location. The tower would therefore not compete amongst or overbear the lower scale heritage buildings within the Conservation Area or other Listed Buildings, or detract from their special features of interest. The development would therefore not harm nearby heritage assets and complies with UDP Policy BE16 and BE19 and NPPF paras. 194-202.

The development would provide welcomed public realm improvements around the site, including the redesign and resurfacing of the whole of the pedestrianised area of King Street, and the public highway around the base of the tower on Angel Street and High Street. This would facilitate access and servicing, reinstate the King Street market, provide wind mitigation measures and tie into the design and materials of the existing Grey to Green scheme on Angel Street.

The findings of the submitted wind mitigation report and the position of the wind mitigation measures can be accepted, to secure a safe impact on the microclimate in the vicinity of the building at ground level.

All 20 no. studios within the existing building would accord with the nationally described space standards. The GIA of each cluster arrangement within the tower would be in excess of the national standard for a C3 dwelling of the equivalent size. Amenity would be supplemented by a communal co-working room and gym. Suitable outlook and daylight would be provided for each studio. The proposal for a 40-storey tower would not have a material impact on the issue of privacy, daylight and overshadowing, over and above that of the lapsed consent for a 39-storey tower.

The principle of a car free development is acceptable in this extremely accessible, City Centre location, with excellent links to public transport. Overall, the impact on highway safety would not be unacceptable or severe, according with NPPF para. 111.

The developer has agreed to contribute £75,000.00 to South Yorkshire Passenger Transport Executive in order to provide new and improved facilities at Castle Square tram stop, which is a welcomed element of the scheme.

Two separated, interlocking stairs with protected firefighting lobbies are proposed to address concerns raised by the HSE in relation to fire safety. The proposal is therefore acceptable from a fire risk perspective in relation to land use planning. The development would also need to accord with all relevant Building Regulations.

Issues relating to servicing and bin storage, noise and sound attenuation, fumes and odours, accessibility, public art, land contamination, drainage, sustainable design and climate change, archaeology, ecology and biodiversity net gain, employment and skills and broadband connectivity can all be addressed by appropriately worded conditions.

It is concluded that the development accords with the aims of the local development plan when considered as a whole, as well as the key principles of the NPPF. It is therefore recommended that planning permission be granted subject to the listed conditions.

Recommendation: grant conditionally subject to legal agreement.

Heads of terms: A contribution of £75,000.00 to South Yorkshire Passenger Transport Executive for new and improved facilities at Castle Square tram stop.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 9 January 2024

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

<p>(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 construction of vehicular access and provision of off-street parking to dwellinghouse at 528 Fulwood Road, Sheffield, S10 3QD (Case No: 23/01242/FUL).</p>
<p>(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 replacement of existing hoarding with a digital hoarding at Pizza Palace, 418 Pitsmoor Road, Sheffield, S3 9AY (Case No: 23/02074/HOARD).</p>
<p>(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for an application to allow temporary extension to operational hours on Friday and Saturday nights (0900hrs - 0200hrs (the following morning)) (Application under Section 73 to vary condition 7 (Opening Hours) imposed by planning permission ref. 23/01337/CHU - Previous permission under Section 73 to vary condition 7, preceded by section 73 permission ref. 23/00668/CHU, original permission ref. 20/02805/CHU - Use of retail unit (Use Class A1) and residential flat (Use Class C3) as a drinking establishment with small food offering (Use Class A4), including internal refurbishment) at Copa Bar, 293 – 295 Ecclesall Road, Sheffield, S11 8NX (Case No: 23/02030/CHU).</p>
<p>(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 construction of vehicular access and provision of off-street parking to dwellinghouse at 526 Fulwood Road, Sheffield, S10 3QD (Case No: 23/01003/FUL).</p>
<p>(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of single-storey front and rear extensions, with balcony to rear, erection of dormer windows to front and rooflights to front and rear of dwellinghouse at 155 Long Line, Sheffield, S11 7TX (Case No:</p>

23/00375/FUL).

(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 alterations to roof of dwellinghouse including raised ridge height, hip to gable extension, dormer window to rear and rooflights to front at 14 Sherwood Glen, Sheffield, S7 2RB (Case No: 23/00836/FUL).

(vii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the removal of existing advertisements and installation of an internally illuminated digital display hoarding at JCDecaux, Advertising Right next to 30 London Road, Sheffield, S2 4LR (Case No: 22/04496/HOARD).

(viii) An appeal has been submitted to the Secretary of State against the delegated decision(s) of the City Council to refuse planning permission and listed building consent for the internal alterations and single-storey rear extension to dwellinghouse at The Old Rectory, Norton Church Road, Sheffield, S8 8GZ (Case No's: 22/04364/FUL & 22/04365/LBC).

(ix) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse an application for prior notification for the installation of H3G 15m street pole and additional equipment cabinets (Application to determine if approval required for siting and appearance) at Top Road, Sheffield, S35 0AQ (Case No: 22/04179/TEL).

(x) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission and listed building consent for:

Planning Permission:

Change of use to a private function hall (Use Class Sui Generis) and erection of a single-storey side extension and internal alterations to existing building including raising the floor level and reconfiguration of toilet areas (Retrospective Application)

Listed Building Consent:

Erection of a single-storey side extension and internal alterations to existing building including raising the floor level and reconfiguration of toilet areas (Retrospective Application)

At The Office, 117 Upperthorpe Road, Sheffield, S6 3EA (Case No's: 22/04105/FUL and 22/04106/LBC).

(xi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse an application for prior notification for the installation of telecommunications base station comprising of 17.5m high slimline column, associated GPS module fixed to the top, 2no.

equipment cabinets, 1no. meter cabinet and ancillary works (Application to determine if prior approval required for siting and appearance) at Grass Verge, Abbey Lane, Sheffield, S8 0EQ (Case No: 22/04049/TEL).

(xii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the uses of land for a horse-riding arena including landscaping, parking and associated works at land to the rear of Keren The Beeches and 11 Oriol Road, Brookhouse Hill, Sheffield, S10 3TF (Case No: 22/03993/FUL).

(xiii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the extension of roof over north side to form additional habitable rooms, alterations to the exterior and provision of a link road from existing driveway to south side at Manor Cottages, Common Lane, Ringinglow, Sheffield, S11 7TG (Case No: 22/02716/FUL).

(xiv) An appeal has been submitted to the Secretary of State against the committee decision of the City Council to refuse planning permission for an outline application for erection of up to 92 dwellinghouses and associated vehicular and pedestrian access (all matters reserved except Access) at land between Hollin Busk Road, Broomfield Grove and Broomfield Lane, Sheffield, S36 2AQ (Case No: 22/02303/OUT).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the upgrading of an existing 48 sheet advertisement display to a digital poster at 668 Barnsley Road, Sheffield, S5 6UB (Case No: 23/00760/HOARD) has been dismissed.

Officer Comment:-

The main issue is the effect of the proposal on the visual amenity of the area.

The Inspector supported the Council's reason for refusal determining that 'Due to a combination of its location, size, and illumination the advertisement would be highly prominent in the street scene and would appear out of place and dominant in this residential area'

The Inspector also commented that 'given the prominent location of the advertisement, the illuminated changing images would stand out, during both the day and at night, further accentuating its visual prominence and thus its harmful effect on the visual amenity of the area'.

Whilst the Inspector acknowledged the environmental, social, and economic benefits outlined by the appellant regarding digital advertisements, including the overall reduction of panels nationwide, they did outweigh the harm to the visual amenity in this particular case and the appeal was dismissed.

(ii) To report that an appeal against the delegated decision of the 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) has been dismissed.

Click [here](#) to view this decision.

(iii) To report that an appeal against the delegated decision of the Council to refuse an application for a lawful development certificate for a hip to gable loft conversion and erection of rear dormer extension to dwellinghouse (Application under Section 192) at 5 Delves Avenue, Sheffield, S12 4AA (Case No: 23/00135/LD2) has been dismissed.

Officer Comment:-

The main issue was whether the Council's decision to refuse the Lawful Development Certificate (LDC) was well founded, and whether or not the proposed development is Permitted Development. The key question in determining this is identification of what is considered to be the Principal Elevation of the house.

The Inspector noted the proposed roof extension would extend beyond the plane of the roof slope facing Delves Avenue and that the Technical Guidance, published by the Government to aid interpretation of permitted development rules, makes reference to the principal elevation in most case being that which fronts the main highway serving the house, usually containing the main architectural features and main entrance to the house.

In pre-application advice from 2017 on an alternative proposal, officers had referred to the Rainbow Place elevation being the principal elevation, and reiterated that in other commentary on subsequent proposals. However the Inspector noted this was not binding.

They noted the Rainbow Place elevation had more windows but that it faced a continuous fenced boundary and grassed area of Rainbow Place, whereas the Delves Avenue elevation features the main front door entrance to the dwelling and a path leads from that to a gated pedestrian entrance onto Delves Avenue. They were satisfied that this relationship made the Delves Avenue elevation the principal elevation.

As such the works were not Permitted Development and the Council was correct to refuse to grant the LDC.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for an outline planning application (seeking approval for all matters except landscaping) for the erection of 1x four storey apartment block comprising 4x flats with associated car parking, and formation of Local Area of Play (LAP) at land at junction with Crookes Road and Weston View, Sheffield, S10 5BZ (Case No: 22/03309/OUT) has been

dismissed.

Officer Comment:-

The main issues were:

- The effect of the proposal on the living conditions of future and neighbouring occupiers with particular regard to the provision of open space and overlooking; and,
- The effect of the proposal on the character and appearance of the surrounding area.

The Inspector considered that the proposal would not unacceptably affect the living conditions of neighbouring or future occupiers with regard to privacy and outlook.

Nevertheless, the proposal would result in harm in terms of reducing the provision of open space and increasing the demand for such space. The proposal would therefore conflict with UDP Policies LR4, H5 and BE5, and Policies CS47 and CS74 of the Sheffield Development Framework Core Strategy (March 2009, the CS) which collectively, and amongst other matters, require developments to meet the needs of occupiers, including families and children, and provide satisfactory living conditions for occupants and neighbours. They also require developments to protect open spaces, or provide an equivalent or better replacement, especially where there is a quantitative shortage. Paragraphs 99 and 130 of the National Planning Policy Framework (the Framework) similarly require the protection of open spaces, unless they can be suitably replaced, the promotion of well-being and high amenity standards.

The Inspector therefore concluded that they were satisfied that the adverse impacts which have been identified above would significantly and demonstrably outweigh the benefits from the provision of four dwellings in this instance and dismissed the appeal.

(v) To report that an appeal against the delegated decision of the Council to refuse a prior notification application for erection of 20m monopole with associated cabinets and equipment (Application to determine if approval required for siting and appearance) at land opposite Staniforth Works, Main Street, Sheffield, S12 4LA (Case No: 22/02975/TEL).

Officer Comment:-

The Inspector considered the main issues to be:-

- a) Whether the siting and appearance of the equipment would preserve or enhance the character and appearance of the Hackenthorpe Conservation Area (HCA); and
- b) In the event of harm to the HCA being found whether this would be outweighed by need in the location proposed, the lack of less harmful alternative sites and the public benefits.

In terms of a) he concluded the pole and its cabinets would visually detract from views into the HCA and have a harmful effect on its significance, which would be less than substantial within the meaning of the NPPF, and therefore needed to be weighed against public benefit.

On b) he noted the economic, social and digital connectivity benefits of the upgraded equipment, and that these weighed in favour of the proposal but also the requirement for equipment to be sympathetically designed. He also concluded the search for alternative, less harmful locations was not convincing and was not therefore satisfied alternative locations are not available.

Overall, the benefits did not outweigh the considerable weight given to the harm to the heritage asset and he therefore dismissed the appeal.

(vi) To report that an appeal against the delegated decisions of the Council to refuse planning permission and listed building consent for the erection of an open-sided veranda with a clear glazed roof at Chantreyland Nursery, Grange Barn, 34 Matthews Lane, Sheffield, S8 8JS (Case No's 22/02883/FUL (Appeal A) & 22/02884/LBC (Appeal B)) has been dismissed.

Officer Comment:-

The appeal decision related to both appeals and the Inspector identified the main issue as being whether the proposal would preserve the architectural and historic interest of the 18th century 18th Grade 2 listed Norton Grange and adjoining wash house, and whether it would preserve or enhance the character or appearance of the Norton Conservation Area.

The proposed open sided glass verandah canopy, constructed in grey powder coated aluminium and glass was to be bolted into the mortar joints and to the ground. Although lightweight the Inspector felt its fixing to the building would cause some damage and its design would not reflect the architectural style of the vernacular building. In addition, they felt the notable length of the structure, added to the existing porch would add further clutter along the east elevation. As such they felt it would appear incongruous, out of character, and fail to harmonise with the building or preserve its special interest. They gave this harm considerable importance and weight.

As required by paras 199-202 of the NPPF they considered the harm less than substantial and balanced this against public benefits of the proposal. The appellant had identified benefits of providing a covered areas for parents and carers at drop off and collection times and an ability to share confidential information under cover. However, the Inspector was unaware of any national requirement for such a facility and felt there were other means of achieving this with less harm. Nonetheless the benefits put forward were private, not public and not sufficient to outweigh the harm.

The harm caused to the listed building was relevant in the context of

considering impact on the Conservation Area as the building is an important element of the Conservation Area and contributes positively to its character and appearance and the proposal are visible in the public realm. The Inspector therefore concluded that the works were also harmful to the character and appearance of the Conservation Area in addition to the special architectural and historic interest of the Listed Building.

The proposal therefore failed to comply with the statutory duty, the NPPF and policies BE15, BE16, BE17 and BE19 (UDP) and CS74 (Core Strategy) and the appeals were dismissed.

(vii) To report that an appeal against the delegated decision of the Council to refuse planning permission for an outline application (all matters reserved) for residential development at land adjacent 1 Orgreave Lane, Sheffield, S13 9NE (Case No: 22/02124/OUT) has been dismissed.

Officer Comment:-

The Inspector identified the main issues to be a) whether the development provided satisfactory living conditions for future occupiers and b) the effect of the development on highway safety.

The Inspector noted the site was within a residential area and was a long linear plot between 1 Orgreave Lane and a 3-storey block of flats with several windows overlooking the site and contained a hedgerow and mature trees. Although he understood the flat windows to be secondary windows or serving non-habitable rooms he did not feel this would prevent overlooking and loss of privacy from upper floor windows despite the presence of the vegetation on the boundary, which offered little protection when not in leaf and could not be guaranteed as a permanent screen.

It would therefore result in significant overlooking of the private garden at the rear of the site that would represent an unacceptable standard of living conditions for future occupiers. He recognised the outline nature of the application meant the design and location for the dwelling could differ from the indicative plan but was not convinced a suitable scheme could be achieved and concluded on living conditions that the poor standard of living would be contrary to policy H14 of the UDP, Supplementary Planning Guidance and paragraph 130 of the National Planning Policy Framework (NPPF).

For b) he noted the junction was complex given its location on a bend and with traffic islands and signalisation. He noted the likely location of access within the narrow frontage and the undoubted ability for the site to accommodate turning provision so that vehicles could enter and exit in forward gear but at a point where three roads meet with vehicles travelling from either direction.

He considered the absence of traffic controls on the driveway it would be difficult for drivers leaving the site to anticipate the direction of arriving vehicles increasing the risk of conflict and collisions including with vulnerable

road users such as cyclists. Similarly, vehicles approaching the site access would be unlikely to anticipate a vehicle existing given the signalisation. He accepted other access points existed close by but they were historic and some distance from the body of the junction but felt these contributed to traffic confusion and the proposal would exacerbate this.

He concluded on highway safety that the proposal would, as a result of the proposed vehicular access, unacceptably affect highway safety on and around the junction serving Orgreave Lane in conflict with UDP Policy H14 and paragraph 111 of the NPPF.

The Inspector, in applying the tilted balance owing to a lack of 5-year housing supply noted the proposal would provide one new dwelling in a location with adequate access to services. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale he afforded this modest weight but gave the substandard living conditions and impact on highway safety significant weight and felt these outweighed the benefits of one dwelling and dismissed the appeal.

(viii) To report that an appeal against the delegated decisions of the Council to refuse planning permission and advertisement consent for the:

Appeal A:

Removal of 2no. BT kiosks and installation of 1no. BT Street Hub (Case No: 22/01427/FULTEL)

Appeal B:

2no. digital 75" LCD display screens to Street Hub unit (Case No: 22/01428/HOARD)

At pavement outside Morrisons, Fulwood Road, Sheffield, S10 3BB have both been dismissed.

Officer Comment:-

The Inspector considered both appeals in a single decision letter and identified the main issues as being the effect of the development on the character of the area including the character appearance and significance of the Broomhill Conservation Area (BCA); and upon the visual amenity of the area.

They identified the significance of the BCA as being derived from the high proportion of historic building stock using local stone and brick in the form of terraced residential properties and standout commercial units, that is restrained and described in the BBEST Neighbourhood Plan as distinctly 'nineteenth century'.

They noted the appeal site currently contained a pair of telephone kiosks and is in an area of modern shops which contrasts sharply with its surroundings. Although the telephone kiosks do not contribute positively to the street scene and are immediately adjacent to many other items of street furniture the Inspector did not feel this was cluttered owing to the wide pavement.

The Inspector felt the street hub would be prominent in views when travelling towards the city centre along Fulwood Road and would be more prominent and intrusive than the telephone kiosks and would also be widely visible from a number of directions where its illumination and animation would draw the eye. Despite the commercial nature of the area, they concluded it would be a prominent and overtly modern and vibrant feature which would result in less than substantial harm to the character of the BCA and fail to preserve its character and appearance in conflict with policies BE10, BE16 and S10 of the UDP, CS74 of the Core Strategy, and DDHM2 of the BBEST Neighbourhood Plan, in addition to the NPPF.

The less than substantial harm was weighed against the public benefits of the scheme which were the improved communications infrastructure, supporting wi-fi calling, device charging, traffic and environment monitoring which are public safety and air quality benefits. However, the Inspector did not consider it had been demonstrated they couldn't be provided in a less intrusive way so they gave this limited weight, such that it did not outweigh the harm.

The appeals were therefore dismissed.

(ix) To report that an appeal against the committee decision of the Council to refuse planning permission for the demolition of outbuildings, erection of 4 dwellinghouses with associated parking, landscaping and formation of access at Kenwood Hall Hotel, Kenwood Road, Sheffield, S7 1NQ (Case No: 20/03276/FUL) has been dismissed.

Officer Comment:-

The Inspector identified three main issues:-

- i) The effect of the proposal on the character and appearance of the Nether Edge Conservation Area (NECA);
- ii) The effect of the proposal on the Kenwood Hall Historic Garden; and
- iii) The effect of the proposal on biodiversity with particular regard to tree removal.

i) Conservation Area

They noted the NECA has a verdant character, in the form of mature planting, a defining feature of its character and appearance, and that the established tree belts in the grounds of the hotel make a significant positive contribution to this, and a notable section of planting would have to be removed to facilitate the development.

The Inspector felt the dwellings themselves would not be harmful but the

removal of a substantial section of established tree belt would cause harm. Given the public use of the rest of the site this harm would be visible. The Conservation Area Appraisal identifies that the loss of trees is the main threat to the areas established landscape comes from the loss of trees.

The Inspector therefore felt the significant loss of trees would detract from the heritage significance of the NECA which lies in its mature planting. They felt this harm would be less than substantial and noted that the NPPF therefore requires this to be balanced against public benefit.

They found conflict with policies BE16 and BE17 of the UDP (but not with GE15) and with CS74 of the Core Strategy.

ii) Historic Garden

The Historic Garden is a non-designated heritage asset, and the Inspector noted it was designed by Robert Marnock, a well-known exponent of the gardenesque movement and designer of Sheffield's Botanical Gardens. They felt the structural planting under threat from the development was a robust and consistent feature throughout the history of the garden, and its substantial removal would detract from the significance of the garden by reducing its legibility as a Marnock designed parkland and given the importance of this identified this harm as substantial.

As a result they concluded the proposal would fail to accord with policy BE21 of the UDP.

iii) Biodiversity

The Inspector noted the Ecological Appraisal had identified the site had low ecological value overall, and that this could be replaced with new planting and other specific provisions, subject to conditions.

They therefore concluded no significant adverse impact on biodiversity or conflict with GE11 (UDP).

Other Matters

The Inspector noted public benefits of replacement/reinstatement planting, the utilising of a sustainable site with good transport links and the socio economic benefits of the construction process.

The delivery of additional housing was given limited weight given the small contribution it would make to the city's housing stock and the adverse impacts of doing so.

They gave the adverse impacts significant weight and concluded they outweighed the benefits when assessed against the policies in the NPPF as a whole.

As a result of the harm caused to the NECA and given this provided a clear reason for refusal, the presumption in favour of sustainable development

(para 11 NNPF) did not apply and the appeal was dismissed.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse an application for prior notification for the installation of 20m High FLI Cypress Tree with 6no. apertures. 2no. dishes and active routers to be fixed to support poles below antennas and associated ancillary works (Application to determine if prior approval required for siting and appearance) at Goole Green, Off Fulwood Road, Sheffield, S10 3QH (Case No: 22/04048/TEL) has been allowed.

Officer Comment:-

The main issue was the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area, including the countryside and the Fulwood Conservation Area (the FCA).

The Inspector commented that the proposal includes the erection of a 20m tall mast disguised as a cypress tree and a set of seven cabinets within a fenced off area covered in stone chippings. This would be sited in an area of undergrowth and younger vegetation adjacent to the mature trees at the boundary of the field. Although the disguise would not stand up to close or prolonged inspection, it would be sufficient to largely hide the mast from public views where it would only be seen from a distance in glimpses between buildings and trees. Given its location at the edge of the field against the mature tree line, the prominence of this proposal would be further reduced. Although the trees would provide greater screening while they are in leaf, even when these have dropped, the mast would still appear as an evergreen tree. Therefore, the proposed mast would not unacceptably affect the character of its rural surroundings and the FCA.

Therefore, the siting and appearance of the mast and its associated works would not harm the character and appearance of the surrounding area and would preserve the character of the FCA and its countryside location, as well as the setting of the Listed Building. Consequently, the proposal would meet the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Inspector was also mindful of, and considered that proposal would comply with, Policies GE2, GE4, BE5, BE14 and BE16 of the SUDP which are a material consideration. For those reasons the appeal was allowed.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a two-storey side extension to dwellinghouse at 14 Oakcroft Mews, The Coach House, 379B Fulwood Road, Sheffield, S10 3GA (Case No: 22/02108/FUL) has been allowed.

Officer Comment:-

The main issue was the effect of the proposal on the character and appearance of the Ranmoor Conservation Area (the RCA).

The Inspector allowed the appeal determining that previously approved works have already resulted in a domestic appearance to the coach house and the proposal would not be so significant as to unacceptably increase this domestic character. Moreover, the extension would be subservient to the coach house and would maintain its relationship with the main house. Given its relative scale and appearance it would have a neutral effect on the historic interest and significance of the RCA. In light of the above, the Inspector considered that the proposal would preserve the character and appearance of the Ranmoor Conservation Area and would therefore comply with Policies H14, BE5 and BE16 of the Sheffield Unitary Development Plan March 1998) and Policy CS74 of the Sheffield Development Framework Core Strategy (March 2009).

(iii) To report that an appeal against the delegated decision of the Council to impose condition 4 (formation of a garden) against a granted planning permission for the erection of detached split level dwellinghouse at land to the rear of 56 to 68 Church Street, Oughtibridge, Sheffield, S35 0FW (Case No: 21/04348/FUL) has been allowed.

Officer Comment:-

Effectively this appeal was dismissed rather than being allowed as the Inspector agreed with the reasons for imposing the condition and dismissed the appellants grounds of appeal.

The main issue was whether the condition is necessary having regard to the living conditions of the occupiers of 70 Church Street by reason of private amenity space.

The Inspector considered that the removal of the condition would result in an inadequate amount of private amenity space and thus unsatisfactory living conditions for the occupiers of No 70. Moreover, doing so would conflict with UDP2 Policy H14 which, amongst other things, seeks to ensure that development would not cause serious loss of existing garden space which would harm the character of the neighbourhood. It would also conflict with the National Planning Policy Framework, which aims to achieve a high standard of amenity. The condition is therefore necessary. However, whilst the intentions behind the condition are clear, for accuracy it is necessary to correctly refer to the area to be additional garden as outlined on the approved plans in blue for accuracy.

For that reason the Inspector felt it necessary to allow the appeal for the sole purpose of amending the wording of the original condition 4 to state instead:-

Prior to above ground works commencing on the development site, the existing garage associated with No 70 located immediately to the rear, in the

area outlined in blue on the approved plans, shall be removed and this said area shall be laid out as garden to be maintained and retained in association with No 70 Church Street.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report.

8.0 ENFORCMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

9 January 2024