

Case Number	21/04709/FUL (Formerly PP-10356165)
Application Type	Full Planning Application
Proposal	Change of use to residential institution (Use Class C2)
Location	16 Collegiate Crescent Sheffield S10 2BA
Date Received	05/11/2021
Team	South
Applicant/Agent	Architectural Design Consultant
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Existing/Proposed Floor Plans (No reference), published 02.12.2021.

Reason: In order to define the permission.

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

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

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

a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.

b) Acoustic emissions data for the system.

c) Details of any filters or other odour abatement equipment.

d) Details of the system's required cleaning and maintenance schedule.

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.

4. 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.

Other Compliance Conditions

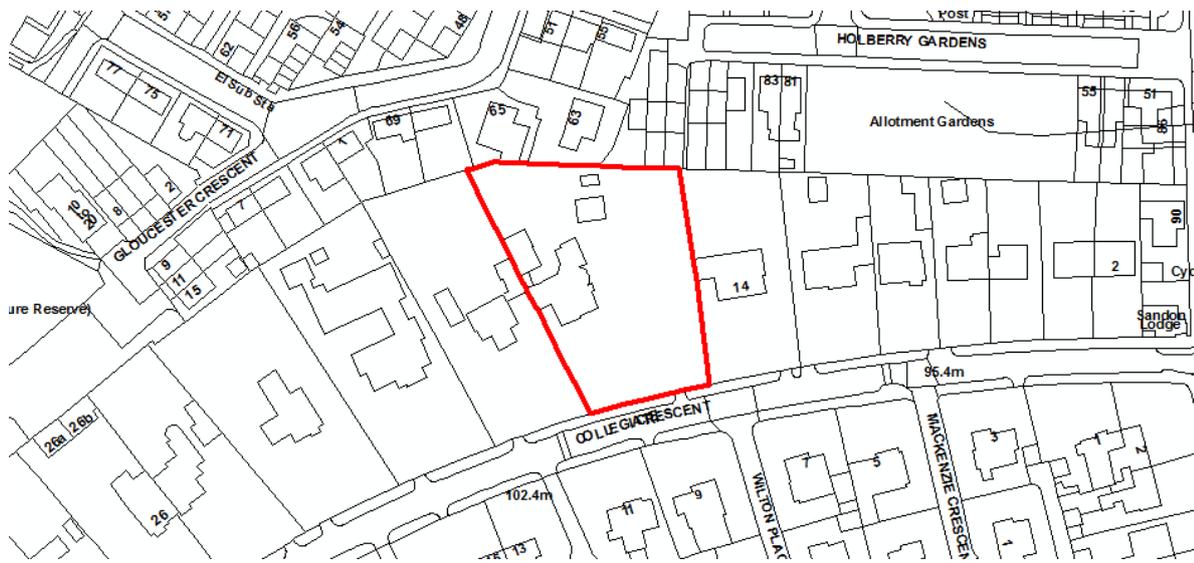
5. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays.

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. The applicant is advised that any plant and equipment should 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. With the site being located in the Broomhall Conservation Area, the applicant is hereby advised that any increase in parking provision should be carefully considered, may require planning permission, and should not be situated at the front of the building, as this would be considered to have a detrimental impact on the character of the site and its contribution to the special character of the Conservation Area. The applicant should therefore contact this office before carrying out such works.

Site Location



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LOCATION AND SITE CONTEXT

This application relates to a detached Victorian villa-style building in current use as a dwellinghouse (Use Class C3). The application site is located on the northern side of Collegiate crescent, where its immediate neighbours are dwellings of a similar size and character, and it is situated within the Broomhall Conservation Area, and within the 'Nether Edge and Broomhall Housing Area' as defined by Sheffield's Unitary Development Plan (UDP).

No. 16 Collegiate Crescent is a large property set over two/three storeys with habitable rooms in the roof space. The building itself is set well back from the highway beyond a large lawned front garden, part of the curtilage of the dwelling. A stone wall topped with a hedgerow forms the front boundary of the site, which is also denoted by several mature trees. Access is via a driveway from the south-eastern corner of the site, which opens out to an area of hard standing at the eastern side of the property, and at the rear. Some of the hard standing to the side of the dwelling is allocated for car parking. The rear-most portion of the site beyond the rear of the building is in use as a garden area. Within the site boundary, the dwelling itself is situated tight to the western side, along the shared boundary with no. 18. The original dwelling has pitched roofs, gable features, bay windows and tall chimneys, and is faced in coursed stone with slate roof tiles. At the rear is a more modern two-storey extension with a flat roof. As the property is set quite far back from the highway and screened by mature vegetation, the original dwelling is somewhat screened from the highway, whilst the more modern rear extension is even less visible, offering a good degree of seclusion in what is an otherwise suburban residential setting.

PROPOSAL

The application proposes to change the use of no. 16 Collegiate Crescent from a dwellinghouse (Use Class C3) to a residential institution, falling under the remit of Use Class C2. As the application has progressed, more information has been provided about the type of residential institution which is proposed by the applicants: a residential care setting for young adults with autism and learning disabilities. There are no proposed alterations or extensions to either the internal spaces of the building or any of the external areas of the site. Therefore, the planning assessment to follow will focus solely on the proposed change of use.

RELEVANT PLANNING HISTORY

The majority of the planning history available for this site relates to consent for the pruning or removal of trees. There have been two other permissions of note:

- Reference: 78/01529/FUL – Extensions to form 3 study bedrooms – Granted Conditionally: 11.10.1978.
- Reference: 84/01182/FUL – Erection of a building to be used for the purpose of a warden's bungalow – Granted Conditionally: 12.09.1984.

SUMMARY OF REPRESENTATIONS

Following initial neighbour consultation by letter on 3rd December 2021 and wider notification via a site notice, sixteen objections were received, with some addresses having commented more than once. Neighbours and interested parties were again notified by letter that further detail on the proposed use had been received from the applicants on 16th March. Subsequently, an additional eight objections have been received.

One letter of support was received from the Commissioning Manager at Sheffield City Council, highlighting that although the applicants would be developing at their own risk, there is an identified need for this type of accommodation – for people with learning disabilities and autistic people – within the S10 area where they can take advantage of easy access to parks and other local amenities, as well as good public transport links.

A significant proportion of the objections received related to a perceived lack of information, clarity and details about the proposed use of the site, such as the type of residential care service that the applicants intend to provide. Officers considered that minimum levels of information had been met, but in response to comments discussed neighbours' concerns with the applicants and subsequently received statements giving greater detail on the proposed service at this address, which were made publicly available.

The concerns raised relating to planning matters are summarised below:

- Residents of the area have long wanted and campaigned for greater residential uses, not commercial or institutional uses.
- Neighbouring properties to the site include an office (no. 12), a HMO (no. 14) and a care home (no. 20). Number 18 is a family house. Allowing this proposal would reinforce the non-residential character of this part of Collegiate Crescent.
- This proposal will erode and undermine the residential character of the Broomhall Conservation Area.
- Concerns that the proposal could increase parking and traffic issues/pressure on Collegiate Crescent, and would necessitate more car parking on site, and deliveries to the site, which would be considered inappropriate.
- The comings and goings of staff would be detrimental to neighbouring amenity.
- Potential for impact on a nearby badger set, a protected species.
- Institutional use leads to a loss of a sense of community and of immediate neighbours.
- Approving this application will allow for further inappropriate development.
- Some uses within the proposed use class (C2) are suitable here, but others are not, and so inappropriate future development must be prevented.
- If the Council is satisfied that the proposal is appropriate, it is requested that the permission is made personal to the applicant to ensure that another operator does not occupy the property in the future for a different use within the C2 class without first seeking planning permission.
- The loss of another family residence would mean existing young families in this part of Collegiate Crescent would feel further distanced from a local community and neighbours.
- It is estimated that the number of employees at sites in this part of Collegiate Crescent could out-number existing residents if this change of use goes ahead.
- One representation raised issues with the applicants' handling of previous planning applications for another site on Ryegate Road and the impacts of this site (now in use as a C2 residential institution) on parking there.
- A representation detailed recent incidences of anti-social behaviour at an unconnected property on Collegiate Crescent.

Most of these concerns will be addressed within the planning assessment below. Those that cannot be addressed within the main assessment will be responded to under a separate section.

Some comments received related to matters that cannot be taken as material planning considerations in the assessment of this planning application, such as:

- There has been no effective consultation with adjacent properties.

- Whether it could impact upon existing traffic speeding issues on Collegiate Crescent.
- Complaints about the extent of neighbour consultation by letter and why certain addresses did not receive notification, and that the deadline for responses was within a bank holiday period between Christmas and New Year.
- If a change of use were granted, based on the proposed 15 bedrooms, would this level of occupancy be safe, i.e., would there be adequate means of escape, as no alterations are proposed.
- Concerns about safety, crime and anti-social behaviour arising from the proposed use class.
- Suggestions that the Broomhall Conservation Area appraisal is in need of review.
- A request for confirmation that the applicant has undertaken exhaustive searches to identify other suitable properties with reasons given for why they are not suitable, and also to identify why this building has been chosen, when there are empty social housing units nearby.
- The applicants' supporting statement says they run residences for up to eight people, but this property has fifteen bedrooms – are they qualified to run the proposed service?
- One comment suggests that officers should not have encouraged the applicants to improve the submission and should not be proceeding without impact assessments.

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. Sheffield City Council's development plan is comprised of the Core Strategy (adopted 2009) and the saved policies of the Unitary Development Plan (adopted 1998). The National Planning Policy Framework (the NPPF, revised July 2021) is also a material consideration.

Paragraph 213 of the NPPF states that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

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

- The principle of the development – land use policy;
- Highway matters; and
- Residential amenity.

Land Use Considerations

The NPPF makes a presumption in favour of sustainable development at paragraph 11 and confirms the role of the planning system in contributing to the achievement of overarching social, economic, and environmental objectives. The application site is situated within a residential area as defined in the UDP, as well as being in the Broomhall Conservation Area. The most relevant local planning policies to be considered in relation to the application are UDP policies: H8 ("Housing for People in Need of Care"), H11 ("Development in Housing Areas in Nether Edge and Broomhall") and H14 ("Conditions on Development in Housing Areas"). Policy H11 outlines the uses that are acceptable in the Nether Edge and Broomhall housing areas, whilst policy H14 lists the various conditions for development in such areas. Policy H8 relates to housing

for people in need of care and outlines the factors that would make proposals for such housing acceptable.

These three policies are considered to align with the NPPF. As a result, policies H11 and H14 can be afforded significant weight. Meanwhile, policy H8 can be afforded only moderate weight, due to it seeking to locate housing for people in need of care within easy reach of a shopping centre and public transport, rather than more widely, although its aims do broadly align with the NPPF's aim to bring forward greater quantities of housing to meet a range of needs.

Policy H11 - Development in Housing Areas in Nether Edge and Broomhall – states that housing (C3) uses are preferred within these areas, but residential institutions (C2 uses) can be acceptable provided they comply with the requirements of policy H14. This is consistent with NPPF paragraph 60 which recognises the importance of addressing the needs of groups with specific housing requirements.

Policy H14 says that non-housing uses (uses not within class C3) must occupy only a small area and not lead to a concentration of uses that would threaten the residential character of a housing area. They must be on a scale consistent with the residential character of the area; meet primarily local needs or occupy an existing building set in its own grounds. In this case the application relates to a single dwelling to which no internal or external alterations or extensions are proposed. Therefore, the scale of the proposed use is expected to be similar in scale as it could be in its present use class.

Officers' inspection of the immediate vicinity of the site demonstrates that over 50% of units would remain in residential use if this application was granted permission. This, therefore, does not represent an over-concentration of non-residential (C3) uses and it is not considered that the proposal would threaten the residential character of the area. As such, it would be in line with UDP policy H14.

Some public comments have alluded to the inappropriateness of commercial uses on Collegiate Crescent, and so it is worth stressing that institutions within use class C2 are fundamentally not commercial enterprises. Other comments made clear an opposition to services within use class C2 that are perceived to carry more risk to nearby property owners, such as residences for those recovering from substance misuse or for ex-offenders, with the implication that such services generate crime, anti-social behaviour and weaken community cohesion. By definition, all uses within class C2 are still 'residential', although of course the type of residence differs from C3 dwellinghouses.

C2 residential institutions provide vital accommodation and support for potentially vulnerable and often disadvantaged groups of people within our society and local communities. To assume that occupants (and staff) of any proposed residential institution would not wish to integrate into their local neighbourhood and community is dangerous and concerning. As such, they cannot be considered separate to, and detracting from, a residential community, and for officers to take such an approach within the planning process, based on assumptions of risk, would be discriminatory and prejudiced.

It has also been asserted in public comments that some other properties in the vicinity of the application site are already in uses other than C3 dwellinghouses, and to approve this change would lead to a further concentration of inappropriate uses that should be halted, before a perceived tipping point is reached with consequences for residents. UDP Policy H11 makes clear that C2 residential institutions are not incompatible with housing areas but warns against a concentration of other such uses. Whilst it is acknowledged that Collegiate Crescent as existing hosts planning units in other use classes, the majority of sites remain in C3 use. The proposal under consideration would not demonstrably tip the balance away from housing use, but would provide wider public

benefits in terms of meeting a specific group's housing needs. Each planning application is considered on its own merits, and so if this application were to be granted permission, it would not be considered to set a precedent for other changes of use in this locality.

Due to the supported nature of the accommodation as proposed, there is likely to be a small increase in visitors to the site – the applicants anticipate three or four visitors per week for a service of this size, from residents' family members, for example. Again, as the proposal is for a residence that involves elements of care, the applicants also expect there would be five or six staff on site per day, and one member of 'waking night staff' each night. In such a large property with extensive grounds, the addition of this number of staff and occasional visitors could not be considered to significantly alter the character of the use from C3 residential.

Policy H8 – 'Housing for people in need of care' – includes that which is purpose-built or conversions exclusively for specific groups of people, consisting of grouped self-contained accommodation or a shared house with resident or visiting caring support. The latter part of this definition is considered to apply to this proposal. The intention of the policy is to ensure that residents have a good quality environment. It states that supportive accommodation will be permitted provided it would:

- Be within easy reach of a shopping centre and public transport; and
- Be suitable for people with disabilities;
- Provide a reasonable and attractive area of accessible private open space or be immediately next to an area of public open space; and
- Not involve extensions which would remove essential open space.

In this case the site is approximately 500 metres from the Local Shopping Centre on Broomhall Street, and a similar distance away from bus routes and other local facilities on Ecclesall Road. The house has at least five bedrooms located on the ground floor meaning there is scope to accommodate people with certain physical disabilities for whom the upper floors would be unsuitable.

The property has substantial private open space, both at the front and rear, with the front garden area remaining relatively private due to the mature trees and vegetation around the front boundary of the site and the highway. The proposals do not include any extensions that would remove essential open space. Therefore, the proposal complies with all elements of policy H8.

No alterations are proposed to the exterior of the building, and accordingly, the change of use would ensure that the residential character of the area is preserved. It is not considered that the proposal would lead to a concentration of uses that would threaten the residential character of the locality. Therefore, there is no objection in principle to the development in land use policy terms.

Amenity, Noise and Pollution Considerations

Policy H14 states, amongst other things, that any proposal should not be harmful to the amenities of current and/or future occupants of the site and the wider area.

UDP Policy H14 outlines that for non-housing uses (i.e., uses falling outside of the C3 use class) change of use will be permitted provided that it would not lead to air pollution, noise, smell, excessive traffic levels or other nuisance or risk to health and safety for people living nearby. It further states that sites should not be over-developed or deprive residents of light, privacy, or security. This is consistent with NPPF paragraph 185 which states that developments should take into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

The applicants have implied through the submitted floor plans that no internal alterations or changes to the layout of rooms are proposed. However, alterations could be made in the future without the requirement for planning permission. As has been noted in comments, following a grant of permission for a change of use to class C2, there are a variety of types of residential care setting that could be implemented without the need for further planning permission. As a result, officers from the Environmental Protection service highlighted that for uses within class C2 there could be a need for larger-scale kitchen facilities, and that a property of this size could accommodate such an increase in kitchen activity, which may lead to a need for external plant, such as fume extraction systems, that can then cause noise and odour impacts for neighbours if not installed to certain specifications.

The neighbouring property at no. 18 Collegiate Crescent is in close proximity, and so although no such cooking requirements have been stated within the application, it is considered appropriate to control the potential need for such equipment in the future through conditions to be attached to any forthcoming planning permission. These conditions would require the prior approval of the full details of any external plant, whether for ventilation or fume extraction systems, in respect of the size, position, acoustic and odour emissions.

In association with the odour and plant noise impacts that a large-scale kitchen can bring, frequent deliveries and collections may also impact upon the amenity of neighbours, particularly regarding noise levels. Therefore, to follow on from the conditions mentioned above, a condition is also recommended to limit the hours of servicing (for deliveries of food, collections of waste, etc.) to prevent noise disturbance to neighbouring properties at unsociable hours.

Some representations received relate to a fear that the change of use will lead to an increase in anti-social behaviour and perhaps crime. Recent events involving anti-social behaviour at and around another site on Collegiate Crescent have been brought to officers' attention. It is acknowledged that these events are disruptive for residents and impact upon the high standards of amenity this area can offer. However, the incidences took place at a site which is unconnected to the site of the planning application in question, and which is unconnected to these proposals in terms of the nature of the use of the property. Therefore, it would be inappropriate to allow these events to prejudice the outcome of this application.

Highways Considerations

UDP policy H14 states that a change of use can be permitted provided that it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians. The primary consideration in this regard is to judge how different the traffic and parking generated by the proposed use will be from that of the existing authorised use as a C3 dwellinghouse, and whether this will have any significant safety or amenity impacts for neighbours.

The application site is located within a residential area dominated by similar house types, with the vast majority benefiting from off-street car parking provision. The site includes a generous area of hardstanding at the eastern and southern sides of the property, not all of which is currently in use for parking but at present it is estimated that there is provision for at least six vehicles. It is also estimated that with some reorganisation, if necessary, a small number of additional parking spaces could be accommodated, to provide for the numbers of staff anticipated on site at any one time, as well as occasional visitors. With the site being located in the Broomhall Conservation Area, the applicant is hereby advised that any increase in parking provision should be carefully considered, may require planning permission, and should not be situated at the

front of the building, as this would be considered to have a detrimental impact on the character of the site and its contribution to the special character of the Conservation Area.

Given the generous curtilage of this property and the existing parking it incorporates, it is not considered that the change of use will add to pressures for on-street parking on Collegiate Crescent. From the information provided in relation to the type of use and the structuring of staff presence on site, as well as anticipated visitors, it is not considered that there will be a significant intensification of use or of vehicle movements to and from the site. Therefore, highways impacts are extremely limited and considered acceptable.

Conservation Area Considerations

UDP Policy BE16 states that in Conservation Areas permission will only be given for proposals which contain sufficient information to enable their impact on the Area to be judged acceptable and which would preserve or enhance the character or appearance of the Conservation Area. Paragraphs 199 to 202 of the NPPF seek to protect and enhance conservation areas, therefore it is considered that policy BE16 is in accordance with the NPPF and can be offered substantial weight.

Acknowledging that the Broomhall Conservation Area is predominantly residential in character, it is important that any proposed change of use preserves this character in light of both local and national policy. As no external alterations or extensions are proposed, and the new use would remain of a broadly residential nature, it is not considered that the proposed change of use would have a significant impact on the overall character of the Broomhall Conservation Area, and so it is considered acceptable from this perspective.

RESPONSE TO REPRESENTATIONS

It is considered that most of the material planning matters raised in comments have been responded to in the planning assessment above. Other matters that have not yet been addressed are returned to here.

Conditions

It has been suggested that if planning permission is forthcoming, it should be limited by condition to the current applicant. Such a condition would not be considered necessary given the policy assessments above, nor would it be proportionate to the grouping of use classes as laid out in national legislation.

Protected species

As has been shown above, the proposed change of use would not result in a significant increase in the intensity of use of the site, and as no extensions are proposed, it has not been necessary to consider the impact on landscape, wildlife, or any protected species at the site, such as badgers, which neighbours have seen around the site.

Consultation

For applications of this scale, Sheffield City Council's approach to neighbour consultation is to notify by letter all addresses that share a boundary with the application site, or which directly face a site across a highway. For development within a conservation area, it is SCC policy to erect a site notice in pursuit of wider notification. These steps were followed in this instance.

Building safety

Concerns relating to means of escape for occupants of a site are dealt with by Building Regulations inspectors and are not material planning considerations.

Alternative options/locations

Comments in respect of the expertise of the applicants are not relevant to a planning assessment. It would also not be appropriate for a Local Planning Authority to request confirmation that the applicant has undertaken searches to identify other suitable properties and identify why this site is chosen. Rather, officers must rely on local and national planning policy alone to determine the acceptability of a proposal of this nature.

The quality of the application submission

It has been suggested that officers should not have encouraged the applicants to improve the submission and should not be proceeding without impacts assessments. Impact assessments are not required from the applicant for an application of this type, however, it is officers' duty to carry out assessments of impacts, as discussed in this report.

Officers encouraged the applicants to provide additional information in response to neighbours' concerns and in the interests of transparency. It is common for such requests to be made of any applicants during the planning process as issues or gaps in knowledge emerge. To not proceed on this basis would leave neighbours' questions unanswered and would also not represent proactive service or a good level of customer engagement.

Other sites under the applicants' management

Each planning application has to be considered on its individual merits and events at another location, harmful or not, and even if under the management of the same charity behind this application, cannot be assumed to repeat themselves at the location which is under consideration now.

SUMMARY AND RECOMMENDATION

This application is considered acceptable in principle as it is for a small residential care service which would be appropriately located within a residential area, close to local shops, services and public transport. Whilst the proposal is for a residential institution, the character of the use would be similar to that of a dwellinghouse. The key difference relates to the presence of staff at the site and possibly a small increase in the number of vehicle movements due to shift patterns and visitors. Although the size of the property, and the scale of kitchen facilities it could feasibly provide for uses that fall within the proposed C2 class could have the potential to cause additional nuisance, it is considered that such impacts can be controlled via planning conditions.

It is not considered that the proposal will give rise to significant safety or amenity concerns such that this could justify refusing planning permission, especially when taking into account the social benefits of the proposed residential care setting that would be forthcoming. There is a clear need for facilities of this type throughout the city and the proposal aligns with the NPPF requirement to meet the differing housing needs of the community. As such this benefit should be given weight in determining this application.

It is considered that the proposal complies with UDP policies H8, H11 and H14, and is also consistent with the aims of the NPPF at paragraphs 11 and 60. It is therefore recommended that planning permission is granted conditionally.

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